

**PLANNING DEVELOPMENT CONTROL COMMITTEE –  
WEDNESDAY, 8 MARCH 2017**

**UPDATES FOR COMMITTEE**

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## PLANNING DEVELOPMENT CONTROL COMMITTEE - 8 MARCH 2017

### UPDATES FOR COMMITTEE

#### **Item 3(a) - Land at Crow Arch Lane and Crow Lane, Crow, Ringwood (Application 13/11450)**

The recommendation is revised slightly to reflect that the only changes proposed are as follows:

#### **Recommendation:**

That the Section 106 agreement be varied solely in accordance with the details set out in the preceding paragraphs and subject to further negotiation between Council Officers and applicant and remain otherwise unchanged.

#### **Item 3(b) - Land at Crow Arch Lane and Crow Lane, Crow, Ringwood (Application 16/11520)**

There have been ongoing discussions in relation to the formation of a section of footpath from the proposed pocket park in the north-east corner of the site to the existing footpath on the west side of Crow Lane. The existing Section 106 Agreement makes provision for transportation improvements relevant to the development. Hampshire County Council's Highways Engineer has indicated that a footpath could be provided on highway land and this can be progressed further through the existing Section 106 Agreement.

The recommendation is changed to:

**Service Manager Planning and Building Control authorised to grant planning consent subject to revision of condition no. 1 to ensure that all plans and documents are included and the following conditions:**

Amendments are also recommended to the conditions, as set out below, to replace all those in the report (except condition 1, which is to be amended), following further negotiations with the applicant:

2. Prior to development above slab level on any plot hereby approved, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. Prior to the occupation of each plot provision for parking for that plot shall have been constructed and made available in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development in accordance with Policy CS24 (of the Core Strategy for the New Forest District outside the National Park).

4. Prior to the occupation of each plot provisions for cycle storage shall be provided in accordance with a scheme to have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained.

Reason: To ensure adequate provision for cycle storage for dwellings within the phase in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

5. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter in accordance with Policy CS24 (of the Core Strategy for the New Forest District outside the National Park).

Reason: In the interests of highway safety in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

6. Prior to the commencement of development full details of both hard and soft landscape proposals shall have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
  - Proposed finished levels or contours
  - Means of enclosure
  - Other vehicle and pedestrian access and circulation areas,
  - Hard surfacing materials
  - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
  - Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.), to demonstrate their relationship to new planting and that the services will not encumber the use, by way of physical constraints, wayleaves or easements, and value of public open spaces)
  - Retained historic landscape features and proposals for restoration, where relevant.

Soft landscape details shall include

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers and / or densities
- Implementation timetables.

Reason: To ensure the achievement and long term retention of an appropriate quality of landscaping, in accordance with Policy CS3 (of the Core Strategy for the New Forest District outside the National Park).

7. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are

removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the achievement and long term retention of an appropriate quality of landscaping, in accordance with Policy CS3 (of the Core Strategy for the New Forest District outside the National Park).

8. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the recommendations as set out in BS5837:2012 and in accordance with an Arboricultural Method Statement for Phase 1, which shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of work on site.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

9. The slab levels of all dwellings within Phase 1 shall be as set out on the approved drawing "RPS Conceptual Levels and Drainage Strategy SK1 rev B" unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the Ringwood Local Distinctiveness Document.

10. The slab levels of all dwellings within Phase 1 shall be as set out on the approved drawing "RPS Conceptual Levels and Drainage Strategy SK1 rev B" unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the Ringwood Local Distinctiveness Document.

11. Notwithstanding the submitted plans and landscaping details hereby approved, prior to the construction of any dwelling above slab level, detailed drawings which shall include sections, showing existing and proposed ground levels and contours, to be used in the design of the SANG area shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with those details which have been approved.

Reason: To retain control over the finished landscape design of the SANGS in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Natural England has commented further and raise no objection to the proposals.

**Item 3(c) - Unit 2(c) (N) North Road, Marchwood Industrial Park, Marchwood (Application 16/11407)**

Detailed comments from the Environmental Health Officer in respect of applications 16/11407 and 16/11408) are attached.

The recommendation is revised in order to require details needed as part of some of the suggested conditions to be provided before a planning permission is issued as follows:

**Service Manager Planning and Building Control authorised to grant planning consent subject to those details that are required by condition nos. 7, 8, 10 and 11 in the recommendation being submitted to and agreed in writing by the Local Planning Authority, prior to the issue of any consent, and with the imposition of all other conditions as set out in the report and any other conditions he deems appropriate.**

**Item 3(d) - Unit 2(c) (N) North Road, Marchwood Industrial Park, Marchwood (Application 16/11408)**

Detailed comments from the Environmental Health Officer in respect of applications 16/11407 and 16/11408) are attached.

One further letter of objection has been received raising concerns already referred to in paragraph 10.1 of the report.

The recommendation is revised in order to require details needed as part of some of the suggested conditions to be provided before a planning permission is issued as follows:

**Service Manager Planning and Building Control authorised to grant planning consent subject to those details that are required by condition nos. 7, 8, 10 and 11 in the recommendation being submitted to and agreed in writing by the Local Planning Authority, prior to the issue of any consent, and with the imposition of all other conditions as set out in the report and any other conditions he deems appropriate.**

**Item 3 (j) - 3 Filton Road, Lymington (Application 16/11737)**

An additional letter from the applicant's agent relating to proposed plans and those previously approved .

**Item 3(l) - Kings Farm, Kings Farm Lane, Hordle (Application 16/10110)**

Aerodrome Safeguarding have commented and have no safeguarding objection to the proposals.

## ENVIRONMENTAL HEALTH OFFICER'S COMMENTS IN RESPECT OF:

**Item 3(c) - Unit 2(c) (N) North Road, Marchwood Industrial Park, Marchwood  
(Application 16/11407)**

**Item 3(d) - Unit 2(c) (N) North Road, Marchwood Industrial Park, Marchwood  
(Application 16/11408)**

### Considerations

Air quality is a material consideration in planning. The determination of the significance of a proposed development on local air quality is typically determined by the impact of emissions from a proposed development on the UK Air Quality Objectives (AQO), with significance guidance specifically relating to the potential impact to the long term AQO.

Due to the limited operation of the proposed development (Facilities A and B) the impact on the long term AQO will not be significant, and the determination of significance concerns the impact on the short term AQO and the impact of high concentrations of pollutants being emitted over short periods of time.

There is currently no specific air quality guidance to assess the significance of this type of application (potentially highly polluting over short operating periods) on local air quality. As such the current determination of significance of the impact on local air quality is based on the submission of a detailed air quality assessment and professional judgement.

### **FACILITIES A & B**

The applicant has submitted a detailed air quality assessment which attempts to determine the potential combined impact of Facilities A and B on relevant receptors during the months and times the Facilities are likely to be operational - considered as November – February, 17:00 – 19:00hrs using both conventional diesel and biodiesel (Green B+) up to 300hr/yr. The assessment utilised details supplied by the generator manufacturer, local weather data and monitoring data.

The assessment compared the predicted results against the UK short term AQO set for nitrogen dioxide and particulate matter (PM10) at relevant receptors:

<b>Nitrogen dioxide</b>	1hr mean	200µgm <sup>3</sup> not to be exceeded more than 18 times a year
<b>PM10</b>	24hr mean	50µgm <sup>3</sup> not to be exceeded more than 35 times a year

The air quality assessment concludes:

- If Facilities A and B were to operate for the available 4654hr/yr the hourly nitrogen dioxide air quality objective would be exceeded using both fuel types by up to 99 times for conventional diesel and 27 times for biodiesel at a neighbouring residential property (the AQO allows 18 exceedances of the 200µg/m<sup>3</sup> per year).
- When the weather, operational times and hours are assessed it was concluded that the process contribution would have zero impact at all neighbouring residential properties. This is due to the predicted weather conditions effectively blowing the emissions away from residential properties and over Southampton Water.

- Facilities A and B will emit particulate matter, however due to the predicted hours of operation the relevant AQO is assessed as not being exceeded.
- Based on the assessment that the AQO are predicted as not being exceeded if Facilities A and B are operated for 300hr/yr the assessment concluded the impact on local air quality is **not significant**.

Numerous discussions have been held with the applicant and their air quality consultant with regards to the submitted air quality assessment, and further advice has been obtained by the Local Authority from the Defra air quality helpdesk and the Environment Agency. As such I would advise the Committee:

- the proposed Facilities would still emit substantial volumes of nitrogen oxide (NO<sub>x</sub>) into the air when operational and the process contribution of emissions to air in µg/m<sup>3</sup> does not alter depending on the hours of use. The detailed assessment states that at some residential locations (if the weather conditions were to enable process emissions to reach residential locations) the nitrogen dioxide process contribution would be in the region of 300µg/m<sup>3</sup> (150% of the AQO). It should be noted that the background nitrogen dioxide concentration is in the region of 22-28µg/m<sup>3</sup>.

In accordance with planning guidance an increase of the short term AQO (peak) above 50% is considered a large contribution and a substantial impact. This figure is presented as an average figure and not a peak.

The published health effects on the population when nitrogen dioxide concentrations are between 201µgm/3 – 400µgm/3 (air pollution is considered ‘moderate’) are: ‘adults and children with lung problems, and adults with heart problems, who experience symptoms, should consider reducing strenuous physical activity, particularly outdoors’.

As detailed in the air quality assessment the mitigating features stated in the applications that prevents a predicted exceedance of the AQO at relevant locations are hours of use, fuel type and wind direction.

- There will be associated error with any AQ model, but particularly when considering the short term objectives, the on/off nature of the proposed developments, use of statistical analysis, restrictions on the hours of use of the plant and emissions being vented horizontally via a number of points rather than through 1 or 2 vertical stacks
- The applicant has not offered emission mitigation in the form of plant design, consideration of all potential fuel types (for example using less polluting gas) and available abatement technology. The applicant has advised a selective catalyst reduction system would decrease nitrogen oxide emissions by 60-70%, but this would only be considered when regulatory requirements advise it is necessary.
- The AQ assessment also advises that if conventional diesel is the fuel source, based on 300hr/yr the nitrogen dioxide AQO would be predicted to be exceeded at locations within Marchwood Industrial Park, the boatyard and public hard in Magazine Lane. Air quality legislation does not recognise a place of work as relevant exposure, however Facilities A and B could, if operated solely on conventional diesel, result in a significant impact on other places of work on the Industrial Park. The public hard and boatyard are considered locations



of public exposure and should not, in accordance with EU air quality limit values be exceeded at **any time**. As such the use of conventional diesel is not considered an appropriate fuel type.

- The UK is currently failing to meet the EU air quality limit value for nitrogen dioxide (the same value as the UK AQO) and the Government has received legal instruction to take further action to reduce nitrogen oxide pollution in the form of a new air quality strategy.

In a recently published Defra consultation document it is stated that the Government is 'committed to tackling air pollution and improving air quality which is vital for people's health and the environment'. The Government acknowledges that unabated diesel generators are highly polluting which could lead to 'avoidable increases in national NOx emissions' and is therefore implementing the Medium Combustion Plant Directive (MCPD) to control emissions from generators.

- In accordance with the Government strategy to reduce nitrogen oxide emissions Southampton City Council has been instructed by Defra to implement further measures such as the introduction of a Clean Air Zone to reduce nitrogen dioxide emissions due to the prediction that by 2020 Southampton would still be exceeding the EU limit value for nitrogen dioxide.

As determined by the air quality assessment Facilities A and B would produce nitrogen dioxide emissions which would contribute to local air pollution, and due to prevailing winds be carried towards Southampton.

### **Other regulatory controls**

The Committee should finally be advised that at this time other regulatory regimes should not be considered as a suitable form of control of emissions to air from the proposed Facilities.

Due to the potential power being generated from the proposed developments (with a combined thermal input of 99MW), it would be considered that Facilities A and B would require an Environmental Permit (Part A or B Permit) to operate. It should be noted a 50MW thermal input plant requires a Part A permit and individual generators between 20-50MW thermal input require a Part B permit. Due to the design and submission of two applications, each with 48 x 1MW generators with a thermal input of 49.5MW there is a possibility that the proposed developments would not require a Permit (A or B) to operate.

However it is understood from comments submitted that the Environment Agency considers Facilities A and B as one operating site, and as such, the Facilities would require a Part A Environmental Permit to operate. The Environment Agency, as I understand, is however unable to advise if a Permit would be granted for the proposed applications based on the information submitted to date. Other Part A processes in the vicinity includes Marchwood Power and Veolia Energy Recovery Facility.

The proposed processes may fall under the Medium Combustion Plant Directive (MCPD) when implemented. Currently it is unknown how this Directive will be implemented in law and Defra has just consulted on the Directive. Any process regulated by the MCPD is likely to be subject to emission controls, but not until 2025 for processes built prior to December 2018.

Therefore when considering Facilities A and B the planning regime is currently the only regime available to consider potential emissions to air and put in place any suitable mitigation methods. As such it is recommended that should permission be granted for Facilities A and B conditions are applied to control emissions to air which include the hours of use, fuel type, and an agreed mitigation and monitoring schedule to ensure the short term AQO are not exceeded and the impact on local air quality from Facilities A and B is suitably restricted.