

PLANNING COMMITTEE - WEDNESDAY, 11 JULY 2018

UPDATES FOR COMMITTEE

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PLANNING COMMITTEE - 11 JULY 2018

COMMITTEE UPDATES

Item 3(a) - Land North of School Lane, Milford on Sea (Application 17/10606)

The report needs to be updated as follows:

1. REASON FOR COMMITTEE CONSIDERATION

Add “ and departure from policy”

10. REPRESENTATIONS RECEIVED

19 further objections - new issues raised are

- crime;
- isolated street layout;
- lack of shops;
- impact on tourism

1 representation of comment

Southern Water – would prefer a combined foul and surface water conditions (Nos 9 and 10) due on the need to assess both networks at the same time.

Natural England – no objection to consultation on draft Appropriate Assessment subject to appropriate mitigation being secured. Recommend condition to provide and implement a Construction Environmental Management Plan (CEMP) that includes measures designed to minimise disturbance on birds from construction activities during the winter months. This is included as an update to condition 14

They also recommend that a Biodiversity Mitigation and Enhancement Plan is agreed with HCC Ecologist. This is covered in the submitted ecological report and condition 22.

The developer has circulated additional information directly to Members of the Committee.

There are ongoing discussions with the developer about the timing of the delivery of the car park/drop off and cycleway. This is referred to in Policy MoS1 and would be covered by the proposed phasing condition (new condition 28 below).

14. ASSESSMENT

14.6 School Drop off and Car Parking

ADD to end of Para 14.6.3

Para 90 of the NPPF goes on to say that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. The forms of acceptable development in Para 90 includes engineering operations. The proposed

development of the car park drop off area would be an engineering operation however it would preserve the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. As such it is considered to meet these Green Belt tests, subject to the conditions on landscaping and lighting.

14.15 Habitats Mitigation

ADD

“14.15.1 In accordance with the Conservation of Habitat and Species Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.15.2 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 planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site’s conservation objectives, Natural England have been consulted on this and raise no objections. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council’s Mitigation Strategy or mitigation to at least an equivalent effect.”

15. RECOMMENDATION

Add the following conditions:

27. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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).

28. Before the commencement of the development, a Phasing Plan shall be submitted which shall set out the details phasing of the construction for the development. Development shall thereafter be implemented in accordance with the Phasing Plan unless agreed in writing with the Local Planning Authority

Reason: To ensure that development takes place in an appropriate way, and to ensure that the full benefits of the approved development are delivered in accordance with Policies CS1 and CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) (

And amend the following conditions:

4. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details *prior to first occupation* and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. Before development commences, a surface water sustainable drainage system (SuDS) shall be designed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 40% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Additional infiltration tests are required to be undertaken at the infiltration locations ensuring that the multiple tests are undertaken. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

The SuDs scheme as approved shall be implemented in accordance with the approved details prior to first occupation and thereafter retained in accordance with the management plan agreed under condition 8

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

14. Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. This plan to include the following matters:
 - (a) a programme of and phasing of demolition(if any) and construction work;
 - (b) the provision of long term facilities for contractor parking;
 - (c) the arrangements for deliveries associated with all construction works;
 - (d) methods and phasing of construction works;
 - (e) access and egress for plant and machinery;
 - (f) protection of pedestrian routes during construction, and

- (g) the location of temporary site buildings, compounds, construction materials and plans storage areas.
- (h) *measures designed to minimise disturbance on birds from construction activities during the winter months*

Reason: To ensure adequate provision is made during construction to minimise impacts on the local highway network, to ensure pedestrian and highway safety *and minimise impacts on birds* in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside the National Park (Core Strategy) *and Policy DM3 of the Local Plan for the New Forest outside of the National Park (Part 2: Sites and Development Management)*

Item 3 (b) - Former Police Station, Jones Lane, Hythe (Application 18/10050)

Paragraph 14.10.4 and the S.106 Contributions Summary Table need to be amended to ensure the S.106 agreement is prepared in line with the current situation, where ground rent is paid to the developer and therefore a figure of £266,350 is to be paid to the Council on occupation of the development. If ground rents are subsequently abolished, the applicant will need to apply for a Deed of Variation to the S.106, in order to vary the sum payable to £46,283, as agreed by the District Valuer.

Add at paragraph 14.10.2 – “In accordance with the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) a draft Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site’s conservation objectives, Natural England have been consulted on this. The draft Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council’s Mitigation Strategy or mitigation to at least an equivalent effect. Had planning permission been granted for the proposed development, a condition would have been recommended preventing the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council’s Mitigation Projects or otherwise providing mitigation to an equivalent standard.”

A letter has been received from the Police and Crime Commissioner explaining that the Hythe Police Station site is surplus to requirements and that alternative provision for local policing has been made with Hampshire Fire and Rescue in Hardley.

Comments have been received on behalf of the University Hospital Southampton NHS Foundation Trust requesting a commuted sum of £29,102 to be used directly to provide additional services to meet patient demand in local hospital. The request has been received very late in the determination process and has not been factored into the viability appraisal. In response to the request the Council’s Planning Policy Section advise that throughout the preparation of the Local Plan Review 2016-2036 no indication has been received from the Southampton NHS Trust of a requirement for increased service delivery based on the proposed housing delivery within the plan area. As the proposals do not meet the definition for infrastructure then any contribution would need to be secured via a S106 agreement. For a contribution to be legally secured it would need to meet the tests of Regulation 122 of the CIL Regulations 2010 (as amended) namely:

- (a) *necessary to make the development acceptable in planning terms;*
- (b) *directly related to the development; and*

(c) fairly and reasonably related in scale and kind to the development

Their request states it is required for service delivery but it is not clear how this would be achieved in relation to this specific development. The contribution requested does not therefore appear to meet the test of Regulation 122 as:

1. There is no evidence to suggest that the medical needs of the occupiers of these new retirement homes are not already being met by the NHS in the current system.
2. There is no local evidence to suggest that the assumption of 2 people per flat is correct.

Three further letters of support have been received for the proposal and one further letter of objection.

Item 3 (d) - 21 Kennard Road, New Milton (Application 18/10198)

A letter from a local residents has been received asking questions in connection with the parking provision

The Highway Authority has provided further comments confirming they have no objection to the application subject to the conditions within the report.

Habitat Mitigation/Appropriate Assessment – the following paragraph should be included:

‘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 planning 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 the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council’s Mitigation Strategy or mitigation to at least an equivalent effect.’

The Human Rights paragraph has been omitted from the report but should read as follows :

14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

The recommendation amended to:

“That the Service Manager Planning Development Control be AUTHORISED TO GRANT PERMISSION subject to:

- i) no objections being received from Natural England
- ii) the imposition of the conditions set out in the report.”

Item 3 (e) – Land at Avery Lodge, Long Lane, Marchwood (Application 18/10311)

A letter has been received from a neighbour enclosing a copy of a letter written by the applicant to local residents explaining the reasons for the application.

Habitat Mitigation/Appropriate Assessment – the following paragraph should be included:

‘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 planning 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 the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council’s Mitigation Strategy or mitigation to at least an equivalent effect.’ And recommendation changed to Service Manager authorised to grant subject to no adverse comments from Natural England

Human Rights paragraph has been omitted from the report but should read as follows:

14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

The recommendation amended to:

“That the Service Manager Planning Development Control be AUTHORISED TO GRANT PERMISSION subject to:

- i) no objections being received from Natural England
- ii) the imposition of the conditions set out in the report.”

Item 3 (f) - 23-25 High Street, Fordingbridge (Application 18/10331)

The recommendation amended to:

“That the Service Manager Planning Development Control be AUTHORISED TO GRANT PERMISSION subject to:

- iii) no objections being received from Natural England by the 19th July 2018
- iv) the imposition of the conditions set out in the report.

Add at paragraph 14.8 – “In accordance with the Conservation of Habitats and Species Regulations 2017 (‘the Habitat Regulations’) a draft Appropriate Assessment has been

carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives, Natural England have been consulted on this. The draft Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard."

Item 3 (g) - Outwick Farm, Outwick, Breamore (Application 18/10366)

Comment receive from the Ecologist: No significant additional ecological impacts and so previous comments remain unchanged. No objection subject to conditions.

Para. 12.5 The additional floorspace 5 lines from the end should be corrected to read 9.47%

Item 3 (h) - Ship Inn, 68 High Street, Fordingbridge (Application 18/10481)

Condition no. 1 amended by the inclusion of additional plan numbers - 18:39/01 (Existing Plans) and 18:39/02 (Proposed Plans), which show screening and planting.

Item 3 (i) - 12 George's Crescent, Fordingbridge (Application 18/10481)

Letter dated 11 July from agent with amended plan and raising the following points:

- Highway Authority comments noted regarding over provision of car parking. Amended plan submitted reducing parking to two spaces per unit and space freed up used for landscaping.
- Consider objections of neighbours have been covered by officer report
- No architectural features adjacent to the site to prevent additional dwelling
- Considers that Habitats Directive and phosphate issues do not outweigh the need for additional dwellings in the absence of a 5 year land supply. The requirement for a long term mitigation strategy effectively embargoes new dwellings. The site is close to town and bus routes and is in an acceptable location.

Both the agent's letter and the amended plan are available on line.

The following paragraphs need to be added to the assessment as part of the consideration of the proposals:

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

impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

The reason for refusal also needs to be amended to refer to "...overly intensive and cramped form of development"

Item 3 (j) - 7 Viney Road, Lymington (Application 18/10571)

Amended plans have been received, clarifying distances between dwellings in Viney Road and correcting the roof plan of the proposed outbuilding. Condition 2 should now read as follows:

2. The development permitted shall be carried out in accordance with the following approved plans: EE.01; EE.02; EP.01; SL.01 **Rev.A**; 18145-BT1; 1595-001; G.01 Rev A; PFFP.01.Rev A; PGFP.01.Rev A; PE.01 Rev B; PE.02 Rev B; SS.01 Rev.**A**; CGI of rear elevation; Arboricultural Assessment and Method Statement **dated 2nd May 2018**; Planning, Design and Access Statement.

Reason: To ensure satisfactory provision of the development.

The agent has requested the rear bedroom windows can be opened for escape purposes and as such, there is an amendment to the wording of condition 7 as follows:

7. The first floor windows on the rear (NW) and side (SW) elevations of the approved dwelling shall at all times be glazed with obscure glass and fixed shut **except in the case of an emergency**. Those to the NE side elevation shall be obscure glazed. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

The Tree Officer will not be present for this item.

Item 3 (k) - 61 South Street, Hythe (Application 18/10594)

Report to be updated as follows:

2. DEVELOPMENT PLAN, OBJECTIVES AND POLICES
Constraints

Should refer to Hythe Conservation Area (not Hyde as in the report)

The applicant's agent has sent photographs directly to all Members of the Committee.

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