

PLANNING COMMITTEE - WEDNESDAY, 10 OCTOBER 2018

UPDATES FOR COMMITTEE

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PLANNING DEVELOPMENT CONTROL COMMITTEE - 10 October 2018

COMMITTEE UPDATES

Item 3(a) - The Yard, Main Road, Sandleheath (Application 18/10646)

An amended plan has been submitted which clarifies the site boundary and includes the proposed paddock area to the south of the site. PLEASE NOTE: the plan with the Committee papers on page 20 is inaccurate as it does not show this area of land. The following text is missing from the Committee papers, which includes the conditions recommended at nos. 16 through to 19 inclusive:

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

17. No development shall take place on site until full details of the method of construction of the means of access to the premises, including provision of a 3m tarmac strip adjoining the public vehicular highway to the development site have been submitted and approved by the Local Planning Authority. The approved access details, shall be constructed and fully implemented prior to occupation.

Reason: To ensure adequate access provision for the approved development in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

18. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

19. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details by KJF Consultancy Ltd Ref:

EcIA.12.08.18v1 dated 12-08-18 submitted with this planning application unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

Item 3 (b) - Land of 14, 16 and 18 Milford Road, Pennington, Lymington (Application 18/10870)

Under Paragraph 14.14.1 of the report, the second sentence should read "*.... the harm identified outweighs the benefits*". *In addition, the first word of that sentence should change from "Moreover" to "However"*.

In relation to highway safety matters, the applicant has confirmed that refuse collection can be provided within the site together with all other serviced vehicles and following this additional information showing the internal access arrangements for all vehicle types, the Highway Authority have withdrawn their holding objection and accordingly reason for refusal number 3 can be withdrawn.

Under Paragraph 14.8.1, – the level of affordable housing required by policy should be 15 on-site units, not 14 as stated, based upon the 50% provision set out by policy.

In relation to the applicant's viability assessment, the Council's Valuer does not agree with the applicant's case that they cannot make any contribution towards affordable housing. The Council's Valuer considers that the land value appears too high as the proposed purchase prices contained in the JLL Report are considered to be in excess of those applicable to this location. This being the case it is considered that the viability report should be reviewed to ascertain the extent of any affordable housing contribution.

With regard to this position it should be noted that the recent changes in the National Planning Policy Framework (NPPF) state that 'under no circumstances will the price paid for the land be a relevant justification for failing to accord with relevant policies in the plan'. On this basis, the NPPF gives great support for the Council's stance on this issue.

The applicants have requested this matter be determined as submitted and do not wish to request a deferral so as to allow them to respond, or the matter to be debated further, or made subject to an independent review as happens with most viability cases. Accordingly, in the absence of a completed Section 106 Agreement to secure any affordable housing, a further reason for refusal is justified as set out below:

Reason for refusal No 3 (to replace the highway reason for refusal)

The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy for the New Forest District outside the National Park (2009).'

Item 3 (c) - Site of Fawley Power Station, Fawley Road, Fawley (Application 18/11145)

2 representations have been submitted, as follows:-

1. The applicant's agents have submitted a representation, partly to address the concerns raised by Fawley Parish Council. They advise that during the construction phase, (which is expected to last about 3 weeks), there will be no additional trips to and from the site as the construction will be undertaken by existing Fawley Quarry employees and all construction machinery will be supplied from the quarry, utilising the existing private road network between the quarry and the site. There are also not expected to be any significant level of trips to and from the site during the operation of the Proposed Development, as vehicles would again be using the private road network between the site and the quarry and because gravel would be brought onto the site by barge. The current level of quarry related vehicles is in the order of 100 two-way movements and this figure is expected to remain the same.

With respect to noise, the applicant's agent indicates that gravel will be discharged by a low pressure pipe in sea water, which will create minimal noise. The movement of vehicles between the store and the quarry will be restricted to normal weekday working hours to prevent any disturbance.

With respect to air quality, the applicant's agent indicates that emissions of NO₂, NO_X and PM₁₀ will be insignificant and will have no adverse effects on nearby residents.

2. A representation has been submitted by 2 local residents who are also former Planning Inspectors. They are critical of Hampshire County Council's Screening Opinion under the Environmental Impact Assessment Regulations. They consider the applicants have misinterpreted the EIA Regulations and Directive. They also consider that the applicants appear to be evading compliance with the Habitats Regulations. They believe that Hampshire County Council has acted unlawfully in exercising its duties under both the EIA Regulations and the Habitats Directive and Regulations.

Item 3(d) – Land of units A, B, D and E, Brokenford Lane, Totton (Application 18/11018)

Amended site layout plan 4610/100 rev H was received 9 October 2018 addressing issues raised by Hampshire County Council Highway Authority and the Urban Designer.

9. CONSULTEE COMMENTS

Hampshire County Council Flood Risk Team

The general principles for the surface water drainage proposals are acceptable; we would recommend that further information on the proposals be submitted as part of a more detailed design phase which can be secured by an additional condition.

13. WORKING WITH APPLICANT

Final paragraph replaced with...

In this case all the above apply. The applicant and the Council have worked together to amend the plans to meet the concerns raised by the Highway Authority and the Urban

Designer. All pre-commencement conditions have also been agreed in writing by the applicant.

14. ASSESSMENT

Highway Safety

Add new paragraph:

14.5.2 An amended site layout plan has now been received which resolves the substantive concerns of the Highway Authority regarding certain elements of the scheme it is considered. The access road into the site has been widened as requested and the tree lined avenue has been maintained along the Brokenford Lane frontage but the tree positions have been eased back into the site to assist with pedestrian safety and ease of access into car parking spaces for drivers. Cycle storage has been increased on the site through the provision of larger outbuildings to serve each non flatted dwelling, and access to the cycle storage building eased for the flat residents.

15. RECOMMENDATION:

The recommendation is amended as follows to reflect the revised plan now submitted and the recent increase in Public Open Space maintenance charges –

That the Service Manager Planning Development control be **AUTHORISED TO GRANT PERMISSION** subject to:

A The applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

1. A financial contribution towards off-site open space improvements of the sum of £27,747.13
2. A financial contribution towards the future maintenance of the on-site public open space in the sum of £2,9000; and

B The imposition of the conditions set out below (as amended by the update circulated prior to the meeting).

Condition 2 changed to add revised site layout plan

- FB4610/100 rev H

Condition 6 changed as follows to split the details of foul drainage from surface water

6. Before development commences, details of the means of disposal of foul waste water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 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. Sufficient details relating to this matter have not been submitted as part of the planning application and need to be agreed before development commences.

New condition added as per request of Hampshire County Council Flood Risk Team

13. Prior to commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Lead Flood Authority). The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Vectos and shall also include:
- a) Full results of the proposed drainage system modelling, inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep.
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe and manhole reference numbers.
 - c) Full details of the proposed SuDS features and any flow control measures.
 - d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.
 - e) Measures taken to prevent pollution of the receiving groundwater in accordance with the water quality criteria set out in the Ciria SuDS Manual.
 - f) Confirmation of connection approval and capacity from Southern Water.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 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. Sufficient details relating to this matter have not been submitted as part of the planning application and need to be agreed before development commences.

New condition added to cover soft landscaping, street furniture, and tree planting.

14. Within one month of the commencement of development a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) all intended street furniture details
 - (f) a method and programme for its implementation and the means to provide for its future maintenance.

The development shall take place strictly in accordance with those details as may be approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

Informatives

No.2 amended to reflect the revised wording in Section 13 above.

Item 3(e) - The Old Pine Stores, Salisbury Road, Breamore (Application 18/11019)

Since the report was published the following comment has been received from the Council's Senior Valuer:

- (1) "Whilst it is regrettable to lose an existing retail unit in a small rural community, it has been noted that the Old Pine Store has been trading from the premises since 2003, when the convenience/retail store closed. From the description of the Old Pine Store's trading activities, it is apparent that a considerable amount of business is done on line and cannot be described as a general retail/convenience store serving the local community.
- (2) It is noted that the exterior shop characteristics are to be preserved as part of the residential conversion and that the applicant has sought professional advice in respect of potentially marketing the premises as a commercial concern. This advice has highlighted the potential marginality of any commercial activity in this location, even though it is next to a main road and there is roadside parking to the front.

I would therefore concur with the recommendation made to permit a change of use of the premises from an A1 retail use to a single residential dwelling"