

**Application Number:** 11/97849 Full Planning Permission

**Site:** FORMER WEBBS FACTORY SITE, BRIDGE ROAD, LYMINGTON

**Development:** Application for the Modification of a Section 106 Obligation in respect of planning permission 11/97849 for mixed use development comprised: 168 dwellings; restaurant; retail/commercial space (Use Class A1 & A2) boat club; art gallery (Use Class D1); jetty with pontoon; access alterations; pedestrian bridge over railway; riverside walkway; car parking; landscaping; drainage

**Applicant:** Redrow Homes (South West) Ltd

**Target Date:** 21/02/2012

**Extension of time:** 31/01/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee interest in relation to the proposal for the development of this site, this proposal results in no changes to the form of development

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area  
Green Belt  
Town Centre Boundary  
Lymington Conservation Area  
Site of Interest for Nature Conservation (SINC)  
Solent and Southampton Water Special Protection Area (SPA)  
Solent and Southampton Water Ramsar Site  
Solent Maritime Special Area of Conservation  
Hurst Castle to Lymington River Site of Special Scientific Interest (SSSI)  
Lymington River SSSI

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
4. Economy
5. Travel
6. Towns, villages and built environment quality
7. The countryside
8. Biodiversity and landscape
9. Leisure and recreation

## Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS5: Safe and healthy communities
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS14: Affordable housing provision
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

- LYM6: Riverside Site, Bridge Road
- LYM10.7 (LP/Y/36: Provision of footpath around the Riverside site (LYM6) (including railway crossing)

## **4 RELEVANT LEGISLATION and PPSs, PPGs and Circulars**

### **National Planning Policy Framework**

- Chapter 1 Building a strong, competitive economy
- Chapter 2 Ensuring the vitality of town centres
- Chapter 4 Promoting sustainable transport
- Chapter 6 Delivering a wide choice of high quality homes
- Chapter 7 Requiring good design
- Chapter 8 Promoting healthy communities
- Chapter 9 Protecting Green Belt land
- Chapter 10 Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 Conserving and enhancing the natural environment
- Chapter 12 Conserving and enhancing the historic environment
- Chapter 13 Facilitating the sustainable use of minerals

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Access for Disabled People

SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process

SPG - Design for Community Safety

SPD - Design of Waste Management Facilities in New Development

SPG - Former Webbs Factory Site, Lymington

SPD - Housing Design, Density and Character

SPG - Lymington - A Conservation Area Appraisal

SPG - Landscape Requirements for New Development

SPD - Lymington Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Mixed use development comprised: 168 dwellings; restaurant; retail/commercial space (Use Class A1 & A2) boat club; art gallery (Use Class D1); jetty with pontoon; access alterations; pedestrian bridge over railway; riverside walkway; car parking; landscaping; drainage. 11/97849 granted 14th June 2012.

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council: none received at time of publication.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection. The suggested modification of the agreement to require delivery of the footbridge by 125th occupation appears to be sensible but it is unlikely that the Highway Authority would agree to any subsequent modifications of this revised trigger. The delivery of the footbridge is still considered as absolutely necessary in terms of planning for this site as it will facilitate safe, convenient and direct access to the train station and town centre from the development. While the suggested modification will prolong the delivery of the footbridge it is not considered unreasonable given the complications in progressing the scheme to date. The fabrication and construction of the footbridge is likely to take 52 weeks once all stakeholders have reached agreement on the bridge's position, ownership, construction and separate tri-party legal agreement while construction of the development is scheduled to be completed during summer 2017.

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

None relevant to the consideration of this application .

## **12 ASSESSMENT**

- 12.1 An application for mixed use development comprised: 168 dwellings; restaurant; retail/commercial space (Use Class A1 & A2) boat club; art gallery (Use Class D1); jetty with pontoon; access alterations; pedestrian bridge over railway; riverside walkway; car parking; landscaping and drainage was approved by the Local Planning Authority in June 2012. The permission is subject to a Section 106 legal agreement that requires the provision of a footbridge over the railway line by the time the 75th open market dwelling is occupied.
- 12.2 This application has now been submitted to the Local Planning Authority and it requests the modification of the Section 106 legal agreement so that construction of the footbridge is delayed until the occupation of the 125th open market dwelling.

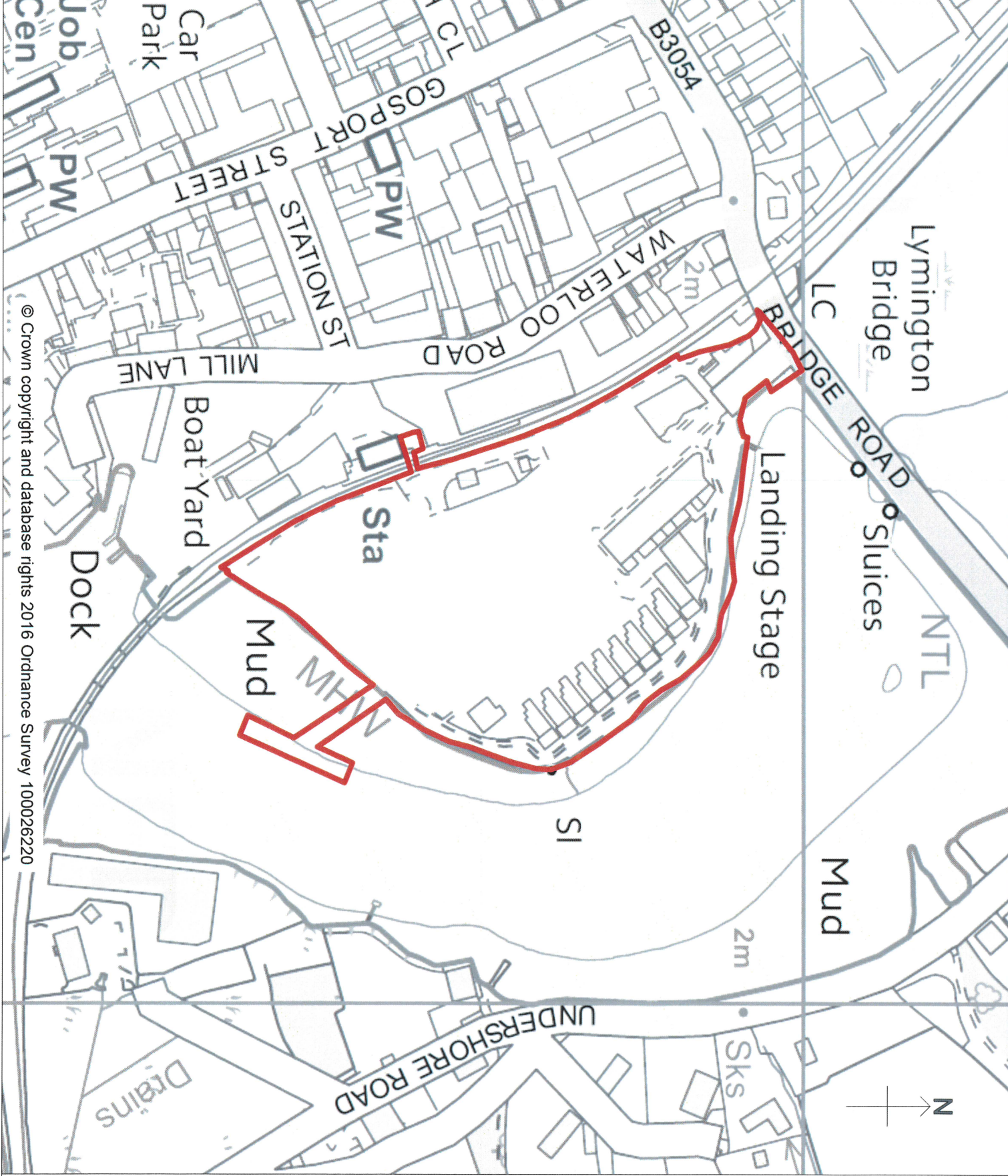
- 12.3 The applicant states that they have regularly met with stakeholders over the last three years to negotiate on the best and most practical way to deliver the bridge while recognising the respective organisations' governance frameworks and decision making processes. It is also stated that meetings have been positive yet agreement has not been reached to facilitate detailed discussions about the engineering of the bridge due to legal requirements and agreements that are needed.
- 12.4 The provision of the footbridge is critical to the success of the scheme and the applicants recognise this in their supporting statement. Officers are aware of the difficulties that are being experienced in resolving this matter and wish to help secure the provision of the bridge in good time and are hopeful that matters will move forward given the progress made to date.
- 12.5 The applicants have stated that the occupation of the 75th unit is projected to take place in May/June 2017 and occupation of the 125th unit towards the end of 2017. This would result in a projected delay of up to 7 months beyond that required by the existing obligation. While this delay is not ideal, it is considered that having regard to the difficulties being experienced by the applicant in bringing the bridge forward, it is reasonable to agree to the request.
- 12.6 In conclusion, it is considered that the applicants are using their best endeavours to secure the provision of the footbridge and that a delay of up to 7 months is reasonable in the circumstances.

**Recommendation:**

That the Section 106 Affordable Housing Obligation be varied to allow the provision of the footbridge before occupation of the 125th open market dwelling.

**Further information:**

Major Team  
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**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
January 2017

**Item No: 3a**  
Former Webbs Factory Site  
Bridge Street  
Lyminster  
11/97849  
SZ3295

Scale 1:2500  
N.B. If printing this plan from  
the internet, it will not be to  
scale.