

ITEM 7

APPLICATION NO.	17/01615/OUTS
APPLICATION TYPE	OUTLINE APPLICATION - SOUTH
REGISTERED	26.06.2017
APPLICANT	Perbury (Developments) Ltd
SITE	Former North Hill Sawmill Yard, Baddesley Road, Flexford, SO52 9BH, AMPFIELD
PROPOSAL	Outline application for demolition of existing industrial buildings and re-development to form a Care Village (Use Class C2), comprising 2-3 storey care home building/community hub containing up to either 65 no. care beds or up to 48 no. "extra care" units and core facilities: a series of 2-2.5 storey buildings containing up to 101 no.1 and 2 bedroom "extra care" units; single vehicular access from Baddesley Road (including retained access to North Hill Cottage and Wheelhouse Park); associated car and cycle parking spaces; provision of associated outdoor amenity space; provision of semi-natural "ecological" buffer zone and grassland; proposed new landscaping/tree planting; provision of on-site drainage; and undergrounding of existing over-head electricity lines. New barn store/offices for Wheelhouse Park (Class B8/B1 - "sui generis")
AMENDMENTS	<ul style="list-style-type: none">• Amended indicative landscape strategy received 17/08/2017• Additional information with regards to policy LE10 and photo montages received 30/08/2017• Supporting design statement submitted 13/10/2017• Additional flooding information submitted 16/10/2017• Amended application form submitted 19/10/2017 <p>Further amended and additional information relating to a change to the indicative layout was submitted on 19/02/2018, 08/03/2018, 04/04/2018, 05/04/2018 and 10/04/2018. The description of the development was changed as a result of the information received on the 19/02/2018 and 08/03/2018. The amended description is shown above.</p>
CASE OFFICER	Mrs Sarah Appleton

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application was considered by the Southern Area Planning Committee on 15 May 2018 when it was resolved to:

Delegated to the Head of Planning and Building subject to the completion of a legal agreement securing the following:

- Restriction of occupation of the units of accommodation including the setting out of a Basic Care Package;
- Restriction on occupation to ensure that communal facilities are provided;
- Requirement to submit and implement a full Travel plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure the implementation of the Travel Plan;
- Secure financial contribution towards additional street lighting on Baddesley Road; and
- Requirement to provide access to the proposed community facilities to older people who reside in the locality of the site.

then PERMISSION subject to conditions and notes.

- 1.2 Since the consideration of the application at the May SAPC, an updated National Planning Policy Framework (NPPF) has been published (July 2018). This updated version of the NPPF replaces the previous version (March 2012) that was current at the time the application was considered by the SAPC. It is therefore necessary for the Committee to consider the application in light of the new material planning consideration before a decision can be issued. This report is an update dealing with an assessment of these changes in relation to the application. In other respects, the reports to the SAPC on the 15 May 2018 apply and these are included as follows:

- The report presented in the SAPC agenda for its meeting on 15th May 2018 is attached at **Appendix A**.
- The Update Paper reported to the SAPC meeting on the 15th May 2018 is attached at **Appendix B**.

- 1.3 The application was originally brought to the Southern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 POLICY

2.1 Government Guidance

National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance (NPPG)

2.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM1 – Housing Provision 2011-2029

COM2 – Settlement hierarchy

COM15 – Infrastructure

LE10 – Retention of land and strategic employment sites

LE17 – Existing employment sites in the countryside

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

E3 – Local Gaps

E5 – Biodiversity

E7 – Water management

E8 – Pollution

E9 – Heritage

LHW4 – Amenity

T1 – Managing movement

T2 – Parking standards

2.3 Supplementary Planning Documents (SPD)

- Ampfield Village Design Statement (VDS)
- Infrastructure and Developer Contributions

3.0 **PLANNING CONSIDERATIONS**

3.1 The main planning considerations are:

- Whether, in considering the guidance contained in the NPPF as a material planning consideration that has been published since the SAPC meeting on the 15 May 2018, the proposed development is considered acceptable.

3.2 **National Planning Policy Framework – background**

Paragraph 2 of the NPPF states that applications for planning permission must be determined in accordance with the Development Plan. Paragraph 12 recognises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It goes on to advise that where a proposed development conflicts with an up-to-date development plan, permission should not usually be granted and that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Paragraph 213 reinforces that the policies of local plans should not be considered out of date because of their adoption prior to the publication of the updated NPPF and confirms that due weight should be given to them, according to their degree of consistency with the NPPF.

3.3 **The principle of development**

The previous report to SAPC (**Appendix A**) addresses the main issues of principle concerning the development in the countryside. Paragraph 8.32 of the report concludes that the proposed development is considered acceptable under policies COM2(b) and LE10(b) of the Test Valley Borough Revised Local Plan 2016 (RLP). The updated NPPF does not include any new guidance which changes the situation as put forward in the original report. Therefore, in respect of the principle of development, the discussion which leads to the conclusion in paragraph 8.32 of the original report remains valid.

Other considerations detailed in the 15 May 2018 agenda report

With respect to the following considerations in the original Officer's report (**Appendix A**):

- Economic impacts (para. 8.33);
- Affordable housing (para.8.40);
- Amount of development and impact on surrounding landscape character, local gap and impact on the character and appearance of the surrounding area (para.8.41);
- Impact on neighbour amenity (para.8.56);
- Ecology (para.8.64);
- Highways (para.8.83);
- Flooding and Drainage (para.8.97);
- Ground contamination (para.8.113);
- Archaeology (para.8.116);
- Planning balance (para.8.117); and
- Other matters, including previously developed land and site ownership considerations (para. 8.122).

It is considered that the updated NPPF does not introduce a materially different approach to these matters such that the original officer assessment of the proposal as set out in the original report to SAPC is now unsound. The corresponding Development Plan policies are not inconsistent with the updated NPPF such that a different recommendation on these matters arises.

3.4 Legal agreement

The required legal agreement has not yet been completed. Consequently the recommendation reflects the need to secure the same obligations to those set out in the previous SAPC recommendation.

4.0 CONCLUSION

4.1 It is clear that the publication of the revised NPPF represents a new material consideration compared to the position as it existed when the SAPC met on the 15 May 2018. However, it is not considered that the revised NPPF introduces a materially different approach to considering the planning considerations relevant to this application as outlined above. The proposal does not conflict with the revised NPPF and on this basis there is no reason to reach a different outcome to that of the SAPC on 15 May 2018.

5.0 RECOMMENDATION

Delegate to the Head of Planning and Building subject to the completion of a legal agreement securing the following:

- **Restriction of occupation of the units of accommodation including the setting out of a Basic Care Package;**
- **Restriction on occupation to ensure that communal facilities are provided;**
- **Undergrounding of existing overhead electricity lines;**

- Requirement to submit and implement a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan; and
- Secure financial contribution towards additional street lighting along Baddesley Road;

then PERMISSION subject to:

1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:
 - i) five years from the date of this permission: or
 - ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.

2. Approval of the details of the layout, and appearance of the building(s), and the landscaping of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.

Reason: To comply with Article 4 of the Town and Country Planning (General Management Procedure) (England) Development Procedure) Order 2015 (or any order revoking and re-enacting that Order).

3. The development hereby permitted shall be used only as a care village comprising a care home/community hub building including core facilities, extra care units and ancillary uses. The barn/store hereby permitted shall only be used as a store/office for the mobile home park known as Wheelhouse Park and for no other purposes, including any purpose in Classes C2, B8 or B1; of the Schedule of to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM2.

4. The development hereby permitted shall be carried out in complete accordance with the Parameters Plan Ref. BRS.2581_38 Rev B.

Reason: To ensure that proposed buildings are appropriately located within the site to prevent adverse impacts on the Local Gap, surrounding landscape character and on the character and appearance of the surrounding area in accordance with Test Valley Borough Revised Local Plan policies E1, E2 and E3.

5. Prior to the commencement of development the means of access to the site detailed on plan number 5303/204 shall be fully implemented and retained as such at all times.

Reason: To ensure that the access into the site is provided to an appropriate standard to serve the development in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 6. A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in writing before the commencement of development. The Construction Traffic Management Plan should include; construction traffic routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. The approved details shall be fully implemented before development is commenced.**

Reason: In the interests of highway safety in accordance with policy T1 of the Test Valley Borough Revised Local Plan 2016.

- 7. The landscaping of the site should be undertaken broadly in accordance with the details set out within the Landscape Strategy Plan (Illustrative) drawing number BRS.2581_28 Sheet 1/2 Rev D and BRS.2581_28 Sheet 2/3 Rev D.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

- 8. The development hereby permitted shall be undertaken in full accordance with the mitigation, compensation and enhancement measures set out in the Ampfield Care Village Ecological Impact Assessment, February 2018 (P16/10-2E).**

Reason: To avoid impacts to protected sites and species and to conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.

- 9. Prior to the commencement of development, a detailed Construction Environment Management Plan that includes measures to avoid impacts to Trodds Copse SSSI, measures to avoid, mitigate and compensate for impacts to protected species and habitat losses, and biodiversity enhancements to be implemented across the site with particular reference to the northern and eastern boundaries shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with the approved details, with all enhancement features being permanently retained.**

Reason: To avoid impacts to protected sites and species and to conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.

- 10. Prior to the commencement of development a detailed external lighting plan showing that the northern and eastern site boundaries and associated habitats associated with the stream corridor and Trodds Copse SSSI will remain unilluminated shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with the approved details.**

Reason: To avoid impacts to foraging bats, in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.

- 11. All those involved with the development should be informed of the status and legal obligations attached to the Trodds Copse SSSI designation and where the boundary of the protected area is.
Reason: To avoid impacts to protected sites and species and to conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.**
- 12. The development hereby permitted shall be undertaken in full accordance with the Flood Risk Assessment (Issue 6, CEC, February 2018).
Reason: In the interests of water management in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.**
- 13. Unless otherwise agreed in writing by the planning authority, construction and demolition activities including the delivery or removal of materials to or from the site, shall only take place between the hours of 08:00 hours to 18:00 hours Monday to Friday and between the hours of 08:00 hours and 13:00 hours on Saturday (excluding Bank Holidays). No such activity shall occur on Sundays or Bank Holidays.
Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**
- 14. Unless otherwise agreed in writing by the planning authority, deliveries and unloading activities servicing the care home/community hub building including core facilities shall only occur between the hours of 08:00 hours and 18:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.
Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**
- 15. Before the commencement of development of the Community Hub building, a detailed design and layout of the building shall be submitted together with a scheme for mitigating the noise impact from the use of this building for approval in writing by the local planning authority. Before the first use of the Community Hub building the approved design, layout and noise mitigation scheme shall be implemented and unless otherwise agreed in writing by the local planning authority, maintained thereafter.
Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**
- 16. Prior to the installation of any fixed plant or equipment a scheme for mitigating the noise impact from any fixed plant or equipment shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of such equipment unless otherwise agreed in writing by the Local Planning Authority, maintained thereafter.
Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**

- 17. Prior to the installation of any cooking extraction equipment, a scheme for mitigating the odour impact from any cooking extraction plant or equipment shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of such equipment unless otherwise agreed in writing by the Local Planning Authority, and maintained thereafter.**

Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.
- 18. No development shall commence (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment must be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise of an intrusive site investigation as recommended by ERS and detailed in Section 11 of their Phase 1 Site Investigation report dated 16th June 2016, and in the event that contamination is found, or is considered likely, a scheme containing remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan 2016 policy E8.
- 19. In the event that contamination (that was not previously identified) is found at any time during construction works, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.**

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan 2016 policy E8.

- 20. Prior to the commencement of development details of the proposed means of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. In relation to foul drainage, such information should include a drainage strategy detailing the proposed means of foul disposal and a implementation timetable. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development can be served by appropriate foul and surface water drainage and in the interests of biodiversity in accordance with Test Valley Borough Revised Local Plan policies E5, E7 and E8.

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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