

HAMPSHIRE COUNTY COUNCIL

Regulatory Committee Meeting 17 February 2021

Update Report from Head of Strategic Planning

Item No: 6

Variation of conditions 16 of planning permission 18/11586 to allow additional mobile kit (Excavator, Dumper truck, and cell engineering equipment) on site to improve operation efficiency at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ (No. 20/10282)
(Site Ref: NF271)

1) Update to Section 106 legal agreement attached to planning permission 18/11586

Paragraphs 30-34 of the report have been updated following additional comments by Hampshire Legal Services. The previous paragraphs are replaced as follows:

In granting planning permission 18/11586 for the Variation of conditions 19 and 20 of planning permission 16/10450 (to allow screening operations to take place) the Section 106 agreement accompanying the original planning permission 16/10450 was also varied through a 'Deed of Variation'.

This Deed of Variation to the original Section 106 agreement dated 14 March 2017 ("the Original Agreement") sought to secure and dedicate a public right of way from west to east across the application site connecting with Footpath no. 3a (Solent Way) across the restored site.

The Deed of Variation was completed by all 4 parties (the County Council, the two landowners and the site operator) and is dated 20 September 2019.

This legal agreement contains a clause (clause 2 of Schedule 1 which adds a new clause 15 to the Original Agreement) that will automatically apply the existing s.106 obligations to any new permission granted under an application for variation of conditions to the existing permissions provided all parties to the deed provide their agreement in writing. Subject to that written agreement being provided the clause will negate the need for a for any additional legal agreement.

Should Regulatory Committee resolve to grant planning permission, the Committee is asked to do so on terms that delegated authority is given to the officers to issue the permission provided that all parties have provided their agreement in writing in accordance with the new clause 15 of the Original Agreement.

2) Recommendation

Paragraph 39 is amended as follows following the advice received from Legal Services, as noted above:

39. That planning permission be granted subject to the conditions listed in Appendix A of this report and that delegated authority is given to the Directors of Economy, Transport and Environment to issue the permission provided that all parties have provided their agreement in writing in accordance with the new clause 15 of the Original Legal Agreement.

Item No 7:

6 new build bungalows for adults with disabilities on site adjacent to Sonnet Court at Sonnet Court Bungalows, Selbourne Drive, Eastleigh, SO50 4SE (No. CS/20/88365) (Site Ref: EAS005)

1) Consultations

Update to paragraph 42 as follows:

42. **Eastleigh Borough Council** – No objection subject to conditions relating to the protection of trees and that staff welfare facilities provided during the construction period do not impinge on the Construction Exclusion Zone.

END