

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 17 August 2017

Present

Councillor Hughes (Chairman)

Councillors Buckley, Keast, Patrick, Perry, Satchwell and Quantrill (Standing Deputy)

Other Councillors Present:

Councillor(s): Wilson

39 Apologies for Absence

Apologies for absence were received from Cllr Lloyd with Cllr Quantrill as Standing Deputy.

40 Minutes

RESOLVED that the Minutes of the last meeting of the Development Management Committee held on the 27 July were approved as a correct record and signed by the Chairman.

41 Matters Arising

There were no matters arising.

42 Site Viewing Working Party Minutes

The minutes of the Site Viewing Working Party held on the 10 August were received as part of the supplementary information.

43 Declarations of Interest

There were no declarations of pecuniary interest relating to matters on the agenda.

Cllr Satchwell advised she privately rented a building for office space adjacent to the application site APP/17/00654 and APP/17/00658, however this would not influence her position determining the application(s). It was advised by officers that this was not a pecuniary interest.

44 Chairman's Report

The Chairman advised that a DCF relating to the old BAE site in Waterlooville would be taking place on the 22nd of August and that all members make every effort to attend.

45 Matters to be Considered for Site Viewing and Deferment

There were none.

46 Deputations

The following deputation requests were noted by the Committee:

- 1) Ms S Kennedy – (APP/17/00025) 139 Elm Grove, Hayling Island
- 2) Mr M Smith - (APP/17/00025) 139 Elm Grove, Hayling Island
- 3) Mr I Murray – (APP/17/00025) 139 Elm Grove, Hayling Island
- 4) Cllr M Wilson – (APP/17/00025) 139 Elm Grove, Hayling Island

47 APP/17/00025 - 139 Elm Grove, Hayling Island, PO11 9ED

The Committee considered the written report, in addition to supplementary information, and the recommendation from the Head of Planning Services to grant permission.

The Committee was addressed by the following deputees:

- 1) Ms S Kennedy and Mr M Smith who objected to the proposal for the following reasons
 - a. The use of the rear yard for a beer garden was unsympathetic to the immediate neighbouring properties due to the high levels of noise and noise pollution which would continue until midnight.
 - b. As this was part retrospective application, the lack of consultation with neighbours had meant that there had been a lack of communication prior to construction. Consultation could have led to a more sympathetic construction.
 - c. Neighbouring residents were unable to have a reasonable enjoyment of their properties due to the necessity to keep windows shut at all times because of noise and smoke.
 - d. The premature construction had caused a significant detrimental impact on the neighbouring property due to an increase in black mould.
 - e. The lack of soundproofing in the existing construction was unacceptable and needed to be rectified.
 - f. The principle of the conservatory aspect of the proposal was not being objected to, it was the increase in noise and lack of consideration for the neighbouring properties.

- g. There was concern that the construction had created a fire safety risk.

In response to questions raised by the committee, the depute advised that:

- i. The objections were not to the principle of the conservatory, objections were over the lack of noise insulation.
 - ii. Previously, doors had existed on the outside of the conservatory and they would like to see these reinstalled.
 - iii. They were not objecting to the level of smoke; noise was the main issue of concern.
- 2) Mr I Murray who supported the application for the following reasons:
- h. The site and business had significant community value within the local area. The proposal sought to increase its use and engagement with the community.
 - i. the proposal would regularise the property.
 - j. The inclusion of noise mitigating features, such as insulation, was sympathetic to the needs of the neighbouring residents and would decrease levels of disruption due to noise.
 - k. There had been no objections from the police and there had been no public order offences served.
 - l. No noise nuisance tests had been undertaken and therefore the level of disruption created by noise was subjective.
 - m. The proposal to construct gated fences to the rear of the site sought to increase safety for residents.
 - n. The proposal would increase the public use of the site and therefore contribute to the local economy and community.

- 3) Cllr M Wilson who supported the application for the following reasons:

See appendix A attached to these minutes.

In response to questions raised by the committee, Officers advised that:

- The proposal outlined that the smoking shelter would no longer be attached to the adjacent building if approved.
- The applicant had advised that the exterior doors on to the conservatory would be reinstalled
- The response from environmental health officers regarding the installation of insulation and noise mitigating features was positive, indicating it would help to reduce noise levels.
- The materials proposed for the insulation were acoustic plasterboard and foam for the conservatory roof.
- All letters and comments from members of the public that had been received by the Planning Development Team regarding noise and licensing concerns had been forwarded to the relevant teams in the Council. Licensing and Environmental Health issues were not a matter to be considered by the Development Management Committee.

The Committee discussed the application in detail together with views raised by the deputees. During the course of debate memebtrs raised the following points:

- Though mandatory installation of doors on the exterior of the conservatory was deemed unenforceable, it was still in the best interest of neighbouring properties that these were installed.
- The detachment of the smoking area from adjacent properties was positive as it would assist with air flow and air circulation.
- The regularisation of the site was within the best interests of both the applicant and the neighbouring properties as it would allow for both parties to have reasonable enjoyment of their respective properties
- The installation of noise mitigating features through insulation would assist in reducing disruption to the local area when the pub was being used by the public.

It was therefore RESOLVED that the Head of Planning be authorised to grant planning permission in retrospect for application APP/17/00025 subject to:

The following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed plans A103 received 8 June 2017

Proposed Elev's and views A104 received 8 June 2017.

Agents email of the 6 June in respect to polyurethane foam

Reason: - To ensure provision of a satisfactory development.

3. The attachment to the adjacent property and the noise insulation measures set out on plan A103 received 8 June 2017 and detailed in the Agents email of the 6 June 2017 in respect to acoustic roof insulation and acoustic plasterboard shall be completed in accordance with the approved details within 3 months of the date of this permission. The development hereby permitted shall not be occupied/ used by the public until such works have been fully implemented and shall thereafter be retained unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

4. The premises shall only be open for trade or business between the hours of 11.00 and 23.20.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. No external extraction and filtration equipment shall be erected without the prior written approval of the Local Planning Authority. Any such approved scheme shall be implemented fully in accordance with the approved details and shall remain operational thereafter.

Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

And the following informative(s):

- 1) To reduce disturbance from noise the external doors at the rear of the premises should be kept closed after 9pm.

The meeting was adjourned from 6:20PM and reconvened at 6:30PM

48 APP/17/00654 - Osier Dell, Manor Road, Hayling Island, PO11 0QW

The Committee considered the written report, in addition to supplementary information, and recommendation from the Head of Planning Services to grant permission.

The Committee discussed the application in detail and agreed that the proposal was:

- Best use of the site
- Sensitive to the location and building
- Was a positive contribution to a building in need of renovation.

The committee found no reasons for refusal and that the proposal was acceptable in planning terms. It was therefore

RESOLVED that That the Head of Planning be authorised to grant permission for application APP/17/00654 subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

LOCATION & BLOCK PLAN 5384 1000
 PROPOSED ROOF PLAN 5384 1101
 PROPOSED GROUND FLOOR PLAN 5384 1201
 PROPOSED FIRST FLOOR PLAN 5384 1203
 PROPOSED FIRST FLOOR PLAN WITH OVERHEADS 5384 1204
 PROPOSED AND EXISTING SOUTH ELEVATION 5384 1300
 PROPOSED AND EXISTING NORTH ELEVATION 5384 1301
 PROPOSED AND EXISTING EAST ELEVATION 5384 1302
 OPENING DETAIL (CASEMENT HAYLOFT) - 5384 1600
 OPENING DETAIL (ENTRANCE TIMBER ASSEMBLY) 5384 1601
 OPENING DETAIL (GLAZED DOOR HAYLOFT) 5384 1602
 OPENING DETAIL (LOUNGE TIMBER ASSEMBLY) 5384 1603

Reason: - To ensure provision of a satisfactory development.

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the extension have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4. All new works and works of making good to the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

Reason: To ensure that the character and setting of the listed building is preserved in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

5. No vents or flues, plumbing or pipes, other than the rainwater downpipes, shall be fixed to the external faces of the building unless agreed in writing with the Local Planning Authority.

Reason: To ensure that the character and setting of the listed building is preserved in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

6. A landscape management plan, including long term design objectives, details of hard and soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground construction works. The landscape management plan shall be carried out in accordance with the approved details. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

7. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Phase 1 Survey report (EcoSupport, January 2017) and Phase 2 Bat Surveys report (EcoSupport, June 2017) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation, compensation and enhancement features shall be permanently retained and maintained.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) March 2011.

8. No external lighting shall be installed on the site unless details of the position, height and type of lights have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed and operated in accordance with the approved scheme and no other lighting shall be installed or operated.

Reason: To prevent light pollution and in the interests of the amenity of the area and neighbouring properties in accordance with policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

49 APP/17/00658 - Osier Dell, Manor Road, Hayling Island, PO11 0QW

The Committee considered the written report and recommendation from the Head of Planning Services to grant listed building consent.

The Committee discussed the application in detail and agreed that the proposal was:

- Best use of the site
- Sensitive to the location and building
- Was a positive contribution to a building in need of renovation.

The committee found no reasons for refusal and that the proposal was acceptable in planning terms. It was therefore

RESOLVED That the Head of Planning be authorised to grant listed building consent for application APP/17/00658 subject to the following conditions:

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

LOCATION & BLOCK PLAN 5384 1000
 PROPOSED ROOF PLAN 5384 1101
 PROPOSED GROUND FLOOR PLAN 5384 1201
 PROPOSED FIRST FLOOR PLAN 5384 1203
 PROPOSED FIRST FLOOR PLAN WITH OVERHEADS 5384 1204
 PROPOSED AND EXISTING SOUTH ELEVATION 5384 1300
 PROPOSED AND EXISTING NORTH ELEVATION 5384 1301
 PROPOSED AND EXISTING EAST ELEVATION 5384 1302
 OPENING DETAIL (CASEMENT HAYLOFT) - 5384 1600
 OPENING DETAIL (ENTRANCE TIMBER ASSEMBLY) 5384 1601
 OPENING DETAIL (GLAZED DOOR HAYLOFT) 5384 1602
 OPENING DETAIL (LOUNGE TIMBER ASSEMBLY) 5384 1603
 Method Statement- Reference 5384 dated June 2017

Reason: - To ensure provision of a satisfactory development.

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the extension have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4. All new works and works of making good to the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

Reason: To ensure that the character and setting of the listed building is preserved in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5. No vents or flues, plumbing or pipes, other than the rainwater downpipes, shall be fixed to the external faces of the building unless agreed in writing with the Local Planning Authority.

Reason: To ensure that the character and setting of the listed building is preserved in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6. Any alteration or repairs to brickwork shall be carried out in matching bond and matching bricks using a lime based mortar with a flush joint.

Reason: To ensure that the character and setting of the listed building is preserved in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

50 Appointment of Chairman

RESOLVED that Cllr David Keast be appointed as Chairman for the next meeting of the Site Viewing Working Party and Development Management Committee.

The meeting commenced at 5.00 pm and concluded at 6.50 pm

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Chairman

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Cllr Wilson – Deputation to the Development Management Committee

PLANNING COMMITTEE MEETING – 17TH AUGUST 2017

RE: THE HAYLING BILLY

Chairman and Members of the Committee

I am grateful for this opportunity to address you tonight. As you will be aware, I asked for this particular application to be brought before the Committee for determination. The reason why I did so was because I had grave concerns with regard to the viability of this business in the event of a refusal. At the time I red carded this application the Officer recommendation was unclear and notwithstanding the recommendation to approve it remains important that the issues are addressed in a public forum given the objections.

Before I address the specific,s I believe it is appropriate to provide some background with regard to the history of this area to put both the application and the objections into context:

Going back forty or fifty years this area known as Gable Head was a main shopping area and the Co-op on the opposite side of the road has been in situ since the 1930s. In my memory this row of shops included an estate agents, a travel agents and a newsagents. Gradually the shops migrated south to Mengham and at some stage it lost its designation. Those of you who attended the site visit will recall that there remains a mixture of shops, restaurants, takeaways and increasingly residential buildings. The density has increased, for example, there are four townhouses on the St Mary's Road side of this small wedge of land where once there was one house. The Committee will also recall the original Hayling Billy pub which was subject to a recent application and as a result of the approval of that application a McCarthy & Stone retirement development is currently being built on the original site.

Mrs Keillor, who is the landlady of the Hayling Billy, was also the last landlady of the original Hayling Billy pub originally employed by the brewery at a time when pubs were suffering and breweries

were consolidating and selling their riskier assets. In this context the pub was earmarked for sale. Before it went on the market, Mrs Keillor who had put an awful lot of effort and personal funds into keeping the pub viable had the wit to contact the Co-op and advise them of the sale and asked them, rather cheekily, whether they would be prepared to buy it and allow her to manage and continue to run the building as a public house. The Co-op were clearly thinking strategically and were worried that in the event that this pub were sold they would have a rival supermarket placed on the site. They quickly agreed and Mrs Keillor built a successful pub with a number of community activities such as a regular classic car meet and car boot sale making use of the area. She also entered an arrangement to provide overflow car parking for some of the nearby shops.

Sadly, this was not to last as is widely known the Co-op faced its own financial difficulties and it became an obvious asset for disposal. The sale or whatever arrangement with McCarthy & Stone allowed that disposal without the potential of a rival retailer on the site.

In the meantime, there was an application to make this site a community asset in part due to the community use which Mrs Keillor had created but sadly that application was rejected by this Council. Ironically, one of the key reasons was that Mrs Keillor had had the initiative to approach the owner of a derelict shop in the row and had opened or was in the process of opening the new Hayling Billy pub.

Turning to the issues at hand, this application concerns retrospective approval for changes to the façade which I do not believe is controversial. The addition of the conservatory and the smoking shelter which are controversial and the fence and gates which again are not particularly controversial. The smoking shelter would appear to be less of an issue, according to the answers to questions from Ms Kennedy and Mrs Smith as had seemed the case on the recent site visit.

The Committee had the opportunity of visiting the flat of the tenant who is an objector to this application. It cannot be denied that his bathroom window overhangs the rear of the application site and the bathroom window below is not in the most pleasing situation. However, this building

which interestingly used to contain shops and offices on the ground floor and was converted to residential, was built right on the boundary line meaning that the three windows in question overhang and open out into the application site. Potentially, these would have been actionable interferences but for the effluxion of time and in a sense are part of the problem.

I have been involved in this matter for some time and this includes visits from the Environmental Health Officer to consider ways of mitigating any potential nuisance. The difficulty in this application is that the planning issues are limited and most of the concerns and their remedies come within a different jurisdiction than your own. I can confirm that Mrs Keillor has worked hard to address those issues within the context of this mixed use development area. The extension and smoking shelter are essential to the viability of this business. At a time when we all bemoan the loss of our pubs, Mrs Keillor is bucking the trend and I would like to see the business prosper.

I would urge you to support the recommendation to grant planning permission.

Cllr. Michael Wilson

17th August 2017

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