

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 11 January 2018

Present

Councillor Satchwell (Chairman)

Councillors Buckley, Hughes, Keast, Patrick, Perry and Lloyd

Other Councillors Present:

Councillor(s): Bowerman, Cresswell

### **88 Apologies for Absence**

There were no apologies for absence.

### **89 Minutes**

RESOLVED that the Minutes of the last meeting held on the 7<sup>th</sup> of December 2017 were approved as a correct record and approved by the Chairman.

### **90 Site Viewing Working Party Minutes**

The Minutes of the Site Viewing Working Party held on the 4<sup>th</sup> January were received.

### **91 Declarations of Interest**

Cllr Gary Hughes advised he had met previously with the Developer for Application APP/17/00633 with regard to a different Application, however he was still capable of making an unbiased and objective decision. It was advised that this was not a prejudicial interest.

### **92 Chairman's Report**

The Chairman advised upcoming training sessions and encouraged all members to attend. It was also advised that the Draft Local Plan was out for consultation with members of the public. Committee members were encouraged to engage with the consultation process as far as possible.

### **93 Matters to be Considered for Site Viewing and Deferment**

No matters were considered for Site Viewing or Deferment.

## **94 Deputations**

The following Deputation requests were noted by the Committee:

- (1) Mr Graham Simmonds – APP/17/00633, Orchard House, Western Avenue, Emsworth
- (2) Mr Gian Bendinelli – APP/17/00633, Orchard House, Western Avenue, Emsworth
- (3) Cllr Rivka Cresswell – APP/17/00633, Orchard House, Western Avenue, Emsworth.

## **95 APP/17/00633 - Orchard House, Western Avenue, Emsworth**

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

The Committee was addressed by the following deputees:

- 1) Mr Graham Simmonds, who objected to the officer's recommendation for the following reasons:
  - a. The proposal had received 52 objections from 21 properties in the immediate vicinity, illustrating strong public opinion.
  - b. The proposal would have a significant dominating effect on nearby properties by way of its bulk and would be 5 times larger than the Orchard House.
  - c. The proposal was inappropriate due to its design as it did not reflect the character of the area by way of the proposed materials and design.
  - d. Its proposal was contrary to the Havant Borough Council Local plan as it would create overshadowing and overlooking of nearby properties.
  - e. If approved, the proposal would result in the removal of several trees on the site which would be destructive to the local environment. The removal of these trees was not supported by the Council's Arboricultural Officer. The land surrounding Orchard House has significant social value to the local area.

- f. The parking on Western Avenue was inadequate, and an increase in traffic would exacerbate the matter. The parking provision for the proposal was insufficient to support the number of dwellings.
- 2) Mr Gian Bendinelli, who supported the Officers recommendation for the following reasons:
- g. The removal of any trees on site prior to an Area Tree Protection Order being applied was conducted solely by the owners of Orchard House.
- h. The officers report was objective in nature and should be supported by the Committee
- i. The proposal would make a positive contribution to the Council's 5-year housing supply if approved.

In response to questions from the Committee, the depute advised that no conversations regarding the felling of tree on the site had taken place between the owners, agent and developer to his knowledge.

- 3) Cllr Lulu Bowerman, on behalf of Cllr Rivka Cresswell, who object to the Officer's recommendation for the following reasons:

*Deputation attached to the end of these Minutes.*

In response to questions from Committee it officers advised that:

- On balance, the removal of tree on the site was outweighed by the benefits of the proposed new housing and new trees being planted.
- It was only possible to alter the access road with the agreement of all land owners.
- No trees on the site were subject to a Preservation Order prior to the area Protection Order being made.
- The separation distances between the proposed building and existing properties well exceeded the Council's acceptable size.
- It was the Officers' that the proposal was in keeping with the character of the area whilst also including modern features.
- A soft landscaping scheme was included in the conditions and must be adhered to prior to the commencement of development.

- Affordable Housing Contributions on such developments was a complex matter which required a decision on balance of benefits and financial gain by the Council in addition to viability of developments. Officers were satisfied with the advice from the housing and development consultancy firm.

The Chairman invited Mr Graham Simmonds to the witness table to answer further questions from the committee. Mr Simmonds advised that there was 1 window on the south elevation of his property which faced the application site.

The Chairman then invited Mr Gian Bendinelli to the witness table to answer further questions from the committee. Mr Bendinelli advised that it would be the intention of McCarthy and Stone to resurface the access road to the site to a high standard, once the development was completed.

The Committee discussed the proposal together with the views raised by the deputees. It was considered that aspects were overbearing by way of bulk, design and character however there were features included in the proposal which mitigated these concerns, including separation distances, screening and the soft landscaping plan. Flood mitigation measures were also considered to be beneficial for the area. The inclusion of tree planting would also assist in limiting the impact the proposal would have on the natural environment.

The Committee also debated the affordable housing contribution included in the proposal. Whilst some argued it was insufficient, the majority of the committee considered that it was acceptable in relation to the application. It was therefore

RESOLVED that the Head of Planning be authorised to grant permission for application APP/16/00921 subject to:

A - the completion of a S106 agreement

and

B - 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:

Flood Risk Assessment and Drainage Strategy received on 30/8/17 and 12/12/17 (Part 3 of 3)  
Arboricultural Impact Assessment and Method Statement Junction Technical Note received on 30/8/17  
Archaeological desk based assessment  
Design and Access Statement  
Extended Phase 1 Habitat Survey  
Planning Statement  
Preliminary Geotechnical Investigations  
Refuse and Waste Management Plan  
Transport Statement  
Materials Schedule  
Tree Constraints Plan  
Proposed Site Plan - DN: 0001 Rev P 14  
Proposed Location Plan - 0002 Rev P 05  
Proposed Roof Plan - 0301 Rev P 08  
Proposed Ground floor plan - 0101 REV P14  
Proposed First floor plan - 0102 Rev P 11  
Proposed Second floor plan - 0103 Rev P 11  
Proposed Landscape Strategy plan - 02 REV L  
Proposed Planting plan west - 03 REV C  
Proposed Planting plan east - 04 Rev D  
Proposed elevations - 0401 Rev P 09  
Proposed site sections and elevations - 0403 REV P02  
Surface Water Network Calculations plan - 05 REV B  
Proposed drainage layout plan - 64007-03-G  
Tree Protection Plan - 9243-02 REV C

**Reason:** - To ensure provision of a satisfactory development.

3 Prior to any development taking place plans and particulars specifying the following matters shall be submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Prior to any development taking place details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**Reason:** In the interests of the character and amenities of the area, and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to any above ground development taking place, any proposal relating to the installation of potential noise generating plant / equipment such as air source heat pumps, mechanical ventilation systems, air conditioning units and the like, shall be agreed and approved in writing by the Local Planning Authority.

**Reason:** In the interests of protecting the occupants of nearby residential properties from noise and vibration nuisance and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014.

*note - BS4142 Requirement Noise resulting from the use of any/all plant, machinery or equipment shall not exceed the principle of No Observable Effect Level (NOEL), when measured according to British Standard BS4142-2014.*

- 6 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings 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 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Prior to any development taking place all trees that are to be retained

within or adjacent to the site shall be enclosed with temporary protective fencing in accordance with BS:5837:2012 '*Trees in relation to design, demolition and construction*' recommendations and the submitted Tree Protection Plan. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

**Reason:** To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The development shall not be brought into use until space for the parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes and shall remain at all times as unallocated parking spaces.

**Reason:** In the interests of highway safety and local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 With the exception of any site manager/warden's accommodation, at no time shall the sheltered apartments development hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.

**Reason:** In order that the occupancy of the development is compatible with the limited amount of on-site car parking provision, and having due regard to Policies CS20 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Development shall proceed in accordance with the ecological mitigation and enhancement measures detailed within the Extended Phase 1 Habitat Survey and Phase 2 Bat Surveys Report (Abbas Ecology, June 2017) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation 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 CS11 of the Havant Borough Core Strategy March 2011

- 11 In the event that suspected contamination (soil, groundwater or buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until a scheme to deal with the risks

associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate reports/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
- 3) Where potentially unacceptable risks are identified by 2), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All assessments, works, monitoring & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A. A statement confirming that no suspected contamination was identified during development,

OR;

B. Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

**Reason:** Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, there is a potential for contamination to exist at the site within made ground which could pose a risk to occupants”

- 12 The balcony on Unit No. 22 shall not be brought into use until details of screening to the balcony have been provided to and agreed in writing by the Local Planning Authority.



**Reason:** To safeguard the privacy of the occupiers of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 13 No development hereby permitted, including demolition, shall commence until a detailed maintenance plan for the surface water drainage element, detailing who will be responsible for the long term maintenance of the elements, what this maintenance requires and evidence that the adopting body is aware of and agree to their responsibilities, has been submitted to and agreed in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

**Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Reason:

- 14 Notwithstanding any details shown on the submitted plans, no development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, DM8 and CS16 of the Havant

Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 15 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.  
**Reason:** In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 16 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.  
**Reason:** To safeguard the amenities of the locality and occupiers of neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 17 The development shall not be brought into use until details of cycle parking provision have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the units hereby approved and retained in situ thereafter.  
**Reason:** In the interests of enabling sustainable means of transport to future residents and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 18 The development shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement by Ian Keen

Ltd (Ref JTK/9243-REVB/WDC and Tree Protection Plan DN: Tree Protection Plan - 9243-02 REV C received on 23/11/17.

**Reason:** to ensure the protection of the remaining on site trees and having due regard for Policy DM8 of the Local Plan (Core Strategy 2011) and the National Planning Policy Framework 2012.

## **96 Appointment of Chairman**

RESOLVED that Cllr Gary Hughes be Appointed as Chairman for the next Development Management Committee

**The meeting commenced at 5.00 pm and concluded at 7.10 pm**

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**Chairman**

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LB's version

I am speaking on behalf of the 3 Emsworth ward councillors, Rivka Cresswell, Richard Kennett and myself and also for the many local residents who wrote to oppose this planning application and I have used some of their comments in this deputation

Last week this committee visited the proposed site to view the area for themselves, travelling down the private narrow road lined with mature trees, select family homes and the large residential care and nursing home set on either side of the entrance to Western Avenue from the busy A259, Havant Road.

The development will be at the end of this narrow private road which in fact is a cul de sac with a very narrow access and egress to and from the busy A259. These facts alone make it totally unsuitable for the extra volume of traffic approximately 100 additional journeys per day that 25 flats will produce.

Western Avenue is a quiet secluded area that few people in Emsworth know about because it is a private road – only suitable for the small number of cars that are owned by the residents of the small number of family houses. Additional cars from the visitors to Springfield care and nursing homes already cause a problem if they are parked inconsiderately. From the 3D images produced by an agency for McCarthy and Stone – it appears that the road will be widened to allow 2 way traffic but I would query this as the road is privately owned and therefore can not just be widened to suit a developer who wishes to build a large block of 25 flats. What is the situation regarding ownership of the grass verges on either side of the road?

The very Construction of the site will bring excessive lights, noise and pollution to this tranquil area and I am unsure how construction vehicles necessary to build a block of 25 flats will gain access to the proposed site Similarly with possibility of Delivery lorries and fire authority vehicles

**The Parking aspect** of this planning application is very alarming.

There is less than one parking space per flat and no allowance has been made for guests, services or staff; it is also fewer than the Consultee Traffic Team's recommendation. They were already concerned about the provision at its previous level of 28 spaces now reduced to 24. McCarthy & Stone could argue that they supplied less than this number at their site on Hayling but this is due to the situation of the new development there and its proximity to the shops and other facilities – i.e adjoining or a few steps away. The centre of Emsworth is 1 mile away and it would be unusual for residents over 60 to walk that far for their shopping and have to carry it home. They are far more likely to take their cars into Emsworth or Havant and return to their allocated parking space if they have one

It must also be noted that there is no available overflow parking locally in the neighbouring roads – Brook Gardens to the west, Beach road to the east and obviously not on the very busy A259, the Havant Road - so where will the additional cars park? Would this mean even more cars will have to park along Western Avenue and would retired or elderly people be expected to walk or use their mobility scooters through this congestion - and cars to pass each other if 2 way traffic is attempted?

**-The Block of flats** is being built within a small close of 6 privately owned detached houses and several of these will be completely overlooked and dominated. These are traditional 2 storey villa type properties with pitch roofs and front and rear gardens but the proposed building is large and of modern design with open balconies which will totally impact on those properties. Although there are 2.5 storeys, There are still three floors - meaning that residents on the top floor will still be able to overlook some residents' houses and gardens especially during the winter months when the trees have lost their leaves.

Residents believe that the development will be inadequately screened from the south, giving the development invasive views over Brook Gardens/Beach Road/West Road and depriving the owners and occupiers of these properties their privacy

Also upon completion of the proposed site, the removal of trees and surrounding bushes and hedges will allow for a constant glow from exterior lighting pollution

The proposed block of flats is completely out of character with the residential properties surrounding it. At 1433 sq. metres it is quite considerably larger than the next biggest private residence in Western Avenue.

Residents do not believe that McCarthy and Stone have addressed or made any significant compromise on the size or height of this block of flats. The agent's letter from the Planning Bureau regarding revisions, dated 23/11/2017, stating that part of the rear section as having been been "cut off" and this seemed to imply a significant reduction in size but all that meant was half of one wall was reduced by a few feet.

There was no visible reduction in size, height or footprint. No attempt has been made on the amended plans to put some character into the building – even the propose brick colour is not in keeping with the majority of other local Emsworth properties and it remains an eyesore and out of keeping to its surroundings – contrary to policy CS16 7.42 or R26, 28 or 30.of the local planning development framework -

The proposals will be an over development of the site. The scale, height, footprint and massing of the new building is far greater than the existing house and development in the form of building and parking spaces is excessive.. This will cause loss of light, overshadowing and loss of privacy implications. - The apartments will be single aspect and all will face out to either Brook Gardens and Beach Road properties. This means that habitable rooms where people spend a lot of time (such as living rooms, kitchens etc) will face directly into the surrounding properties in close proximity. Not a problem at ground floor, but certainly at 2<sup>nd</sup> storey and especially 3 storeys – no matter how much the debate is about “active or casual” overlooking

The balconies at first and second floor levels will add to the overlooking and loss of privacy concerns. - No amount of vegetative screening will compensate for the loss of privacy. The first floor windows of Orchard House are currently visible to properties in Brook Gardens but are not a problem due to being set back from the boundary. However, the new development would be much nearer. For a vegetative screen to be effective it would need to be much taller and would significantly reduce the amount of light into the development’s garden areas and rear living rooms. As the apartments will be single aspect the new residents will not want their only light and sunlight sources blocked by tall evergreen trees and vegetation thus it is likely the management company will want to keep the vegetative screen as low as possible.

The site is not suitable for this type of apartment development as Western Avenue is largely a “back land site”, tightly bounded by small scale residential developments. Retirement developments are normally sited on main roads, orientated towards them and set in spacious grounds, removing privacy and overlooking issues.

As the Owner of 92 Brooks Gardens stated:

For nearly 40 years I have enjoyed the tranquility of my private back garden. The proposed site will impede my privacy as plans are being made to replace my fencing and remove trees and shrubbery directly behind my garden, replacing them with parking spaces. Once this is completed I will no longer enjoy my private view of nature but will stare onto a large brick block of flats with windows and verandas looking down upon my garden

As another resident said “having again looked at the elevations it is striking how completely out of character this Development is. In simple language, it's like waking up one day and finding that a cruise liner has been berthed in your garden! Not unlike a liner, we will have layers of promenade decks and observation windows overlooking our private gardens as if WE are on view

**Trees**

The loss of the natural environment has given residents much concern

17 mature trees are confirmed today in the supplementary papers to be felled if this development goes ahead. CS 11(2) and CS 16 (1) seek to conserve natural features. Section 197 of the Town and Country Planning Act 1990 places a duty on Local Planning Authorities to preserve trees wherever possible in pursuit of their development management functions. The loss of several trees protected by a Tree Preservation Order is surely a breach of this duty, and is in conflict with the policies of the Development Plan.

The whole building has also been moved back to the East by about one metre, but this means that although the Horse Chestnut T12 is retained, 16 other trees, including the vital T7 the mature oak tree (particularly vital to Brook Gardens residents), will be removed. Reducing the number of trees and increasing the footprint by at least 5 times that of the existing building will just serve to increase the already established risk of flooding to the surrounding properties and roads.

**Another major issue for local residents is drainage.**

The Orchard House Development not only will have a 300%+ increase over the existing house, it will also remove garden soil and 12 established trees to provide hard surface parking. Local residents are concerned about surface water drainage and also the foul water system. As in other areas of southern Emsworth – there are great concerns about flooding and they believe that insufficient research has been done as part of this planning application in this aspect - Despite the planned provision of underground attenuation tanks designed to cope with exceptional rainfall storage.

**Conclusion**

There can be no question that a need has been identified for homes for older people in Emsworth as shown by Mc&Stone and some of the letters of support on the HBC website. However, The local plan now in its consultation stage has illustrated the need for all types of housing in the area.

These flats are for people aged over 60. but Emsworth is not short of similar accommodation – there are currently 5 on Right Move for sale and probably more being sold privately. Will McCarthy and Stone ensure that the 25 flats they are proposing are not used for Holiday or weekend homes?

What has to be questioned is whether this is the best site for a block of 25 flats. Mc carthy and stone are proposing to build a large modern shaped building in a quiet residential area, dwarfing existing family homes on a small private road that is technically a cul de sac.



For all the reasons I have detailed in this deputation I would urge this committee to refuse this planning application as it is neither appropriate or essential to the Council's 5 year supply. On the grounds of R26,28, 30

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