

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 24 May 2018

Present

Councillor Buckley (Chairman)

Councillors Howard, Lloyd, Lowe, Satchwell (Vice-Chairman), Cresswell (Standing Deputy) and Thomas (Standing Deputy)

Other Councillors Present:

Councillor(s): Bowerman and Turner

### **1 Apologies for Absence**

Apologies for absence were received from Councillors Branson and Keast

### **2 Minutes**

The Minutes of the meeting of the Development Management Committee held on 5 April 2018 were agreed as a correct record and signed by the Chairman.

### **3 Matters Arising**

There were no matters arising.

### **4 Site Viewing Working Party Minutes**

The Committee received the minutes of the Site Viewing Working Party held on 17 May 2018.

### **5 Declarations of Interest**

There were no declarations of interests.

### **6 Chairman's Report**

The Chairman welcomed the new members to the Committee.

The Chairman reported that the Development Consultation Forum concerning development at Lower Road Bedhampton on 23 May 2018 had been well attended.

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

There were no matters to be considered for site viewing and deferment.

## 8 Deputations

The Committee received the following deputations/representations:

- (1) Ms Dolan (supporter) – APP/18/00306 – Foreshore at South Hayling, Sea Front, Hayling Island (Minute 9)
- (2) Ms Sheffield (supporter) – APP/18/00306 – Foreshore at South Hayling, Sea Front, Hayling Island (Minute 9)
- (3) Mr Fawcett (objector) – APP/18/00134 – Fair Acre, Church Lane, Hayling Island (Minute 10)
- (4) Councillor Turner (ward councillor) - APP/18/00134 – Fair Acre, Church Lane, Hayling Island (Minute 10)
- (5) Mr Gibbons (objector) – APP/18/00151 – 48 Havant Road, Emsworth (Minute 11)
- (6) Mr Coles (supporter) – APP/18/00151 – 48 Havant Road, Emsworth (Minute 11)
- (7) Councillor Bowerman (ward councillor) - APP/18/00151 – 48 Havant Road, Emsworth (Minute 11)

## 9 APP/18/00306 - Foreshore at South Hayling, Sea Front, Hayling Island

Proposal: Continuation with Beach Management Activities on the South Coast of Hayling Island (Ferry Inn to Hayling Island Sailing Club) by recycling beach material to protect Eastoke from flooding.

The Committee was requested to consider an application which was identical in terms of the proposal and mitigation measures to application APP/17/00342, which was approved by the Committee on 27 July 2017 (Minute 37/4/2017). The Committee was advised that the application had been resubmitted to comply with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The Committee considered the written report and recommendation of the Head of Planning to adopt the appropriate assessment and grant permission.

The Committee received supplementary information, circulated prior to the meeting, which:

- (a) included a table that set out the mitigation and likely significant effects of the proposed South Hayling Island Beach Management Plan to advise the Habitat Regulations Assessment; and
- (b) comments received by Chichester Harbour Conservancy.

The Committee was addressed by Ms C Dolan and Ms L Sheffield of the Eastern Solent Coastal Partnership, who recommended that the application be permitted for the following reasons:

- (a) the Environment Agency have approved £3.3 million over the next 5 years to continue to reduce the risk of flooding and erosion at Eastoke;
- (b) the application would reduce the risk of coastal flooding to 1555 residential properties and 170 commercial properties at risk from a 1 in 200 year flood event over the next 5 years at Eastoke, as well as the main road onto the peninsula;
- (c) the application would update the current the current planning permission and in particular
  - (i) seek approval into perpetuity whilst ensuring safeguards are in place to protect the environment into the future; the current permission was due to expire in September 2019.
  - (ii) Extend the boundaries of the current permission to include Ferry Road in the west and HISC in the east. This will open up a new source of shingle for recycling activities from Gunner Point; movement of small amounts of shingle to reduce erosion at the car park at Ferry Rd; as well as the opportunity for HISC to clear their pontoon of excess sand when required; and
  - (iii) Recycling operations would typically be carried out in March and September due to environmental restrictions and as far as possible, to avoid the school holidays.

In response to questions raised by members of the Committee, the officers advised that the applicants could submit variations to the approved scheme in the future to take advantage any advancement in technology.

The Committee discussed this application in detail together with the views raised by the deputees. The Committee considered that the proposal would bring significant benefits to Hayling Island and in that there would be no significant detrimental impact as a result of the implementation of this proposal. It was therefore

RESOLVED that

- (A) as 'competent Authority' for the purposes of an Appropriate Assessment under Regulation 81 of the 2010 Habitats Regulations, the Appropriate Assessment set out in Appendix C of the submitted report which concluded that the proposed development would not have a significant effect on the European site subject to appropriate mitigation & conditions as detailed in Appendix C (including Table 1 as set out in the supplementary information submitted to the Committee) be adopted; and

(B) application APP/18/00306 be granted permission 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:

BEACH MANAGEMENT PLAN - NON TECHNICAL  
SUMMARY - REVISION 1.0  
ENVIRONMENTAL STATEMENT - BEACH MANAGEMENT  
PLAN - REVISION 1.0  
ENVIRONMENTAL STATEMENT APPENDICES - BEACH  
MANAGEMENT PLAN - REVISION 1.0  
HABITATS REGULATIONS ASSESSMENT REVISION 1.0  
PLANNING STATEMENT - BEACH MANAGEMENT PLAN  
REVISION 1.0  
WATER FRAMEWORK DIRECTIVE ASSESSMENT  
REVISION 1.0  
AERIAL BOUNDARY PLAN

Reason: - To ensure provision of a satisfactory development.

- 3 Development shall proceed in accordance with the ecological avoidance and mitigation measures detailed within the Hayling Island Beach Management Plan Environmental Statement and Hayling Island Beach Management Plan Habitats Regulations Assessment (ESCP, March 2017) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be implemented in strict accordance with the agreed details.

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 Core Strategy March 2011

- 4 The activities hereby permitted shall only take place between 06.00 - 22.00 hours on Mondays - Fridays and not at all on weekends and all recognised Public Holidays.

Except for;

- I. the discharging of dredged material from the hopper barges (rainbowing) which can take place approximately 2 hours either side of high tide over any 24 hour period.
- II. And if Emergency works are required, which need to take place as and when necessary.

Reason: To limit the impacts on neighbouring properties, the highway network and features of ecological importance in the area in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 Prior to the commencement of each phase/campaign of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of all avoidance and mitigation measures in relation to ecological features, to be informed by ongoing survey and monitoring works. In addition it will identify how works will comply with the requirements of the Bathing Waters Directive, to ensure that the works are acceptable and will not have an impact on the Water Framework Directive Bathing Water Protected Area.

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 Core Strategy March 2011.

## **10 APP/18/00134 - Fair Acre, Church Lane, Hayling Island**

(The site was viewed by the Site Viewing Working Party)

Proposal: Variation of Condition 3 of planning permission APP/16/00993 to allow for:

1. first floor west facing bedroom window to be retained with applied obscure film and fitted with a restricted opening but allowing for emergency access (if required)
2. first floor facing en-suite window to be retained with applied obscure film

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

The Committee received supplementary information, circulated prior to the meeting, which:

- (a) corrected the appendices attached to the published report;

- (b) included photographs submitted by objectors to the scheme showing the site from Church Cottage, St Peter's Lane;
- (c) an additional representation from a previous objector; and
- (d) recommended additional conditions.

The Committee was addressed by the following deputies:

- (1) Mr James Fawcett, who objected to the proposal, on behalf of the objectors, for the following reasons:
  - (a) the proposal did not adequately protect the privacy of neighbours: the film affixed to the windows could be easily removed and windows opened thereby enabling direct overlooking to adjacent properties to the detriment of the amenities of the occupiers. Therefore, the proposal did not overcome the reasons for condition 3 of planning permission APP/16/00993 and was contrary to Havant Borough Design Guide SPD December 2011;
  - (b) the fact that the applicants had not complied with condition 3 of permission APP/16/0093 raised concerns that they would not comply with the conditions recommended in the submitted report;
  - (c) sufficient reasons had not be given by the Council to support its recommendation to vary its standard requirement for obscured glazing to film;
  - (d) the film had been applied to the windows in direct sunlight, which was contrary to the manufactures recommendations. Therefore, there were concerns about the durability of this film; and
  - (e) his clients had supported the original application on the understanding that their privacy would be protected using obscure glazing and a requirement that the west facing windows would be fixed shut.

Mr Fawcett recommended that the Committee enforce condition 3 of planning permission APP/16/00993: the use of obscure glazing and non-opening windows on west facing elevation would protect the privacy of his clients.

If the Committee was minded to grant permission, Mr Fawcett requested the Committee to consider imposing a condition requiring the planting and maintenance of mature screen between the application site and adjoining properties.

- (2) Councillor Turner, on behalf of an objector and other concerned residents of Northney, supported the case put forward by Mr Fawcett and raised the following additional concerns:
- (a) the proposal would create an undesirable precedent which would make it difficult to refuse further similar applications to the detriment of the St Peters Conservation Area and the character of Northney; and
  - (b) the windows on the west elevation directly overlooked garden areas of adjacent properties.

Councillor Turner recommended that the application be refused for the following reason:

*The proposed [window / windows] on the [.....] elevation(s) [is/are] likely to give rise to direct overlooking of adjacent properties to the detriment of the amenities of the occupants of these properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*

In response to questions raised by members of the Committee, the officers advised that:

- (1) the normal requirement was to use obscured glazing to prevent direct overlooking. However, in this case the Council was in a position to assess the impact of using film instead of obscure glazing. It was the opinion of the officers that the film adequately protected the privacy of adjacent neighbours;
- (2) the recommended conditions would require the replacement of the film, if it deteriorated;
- (3) they were not aware of the applicant's reasons for not installing obscured glazing as required. The Council had investigated the alleged breach of planning control and discussed ways to remedy the situation. The proposal submitted to the Committee was a solution to the breach suggested by the applicant. The decision to be made by the Committee was whether the proposal was an acceptable solution;
- (4) the separation distances set out in the report were from building to building. In a suburban setting these distances would not be considered to give rise to unacceptable overlooking and exceeded separation distances in the Council's Design Guidance; and
- (5) If the Committee was minded to grant permission, the Council would need to consider ways of remedying the breach of planning control

The Committee discussed this application in detail together with the views raised by the deputees. The majority of the Committee considered that the proposal did not adequately protect the privacy of the occupiers of neighbouring properties. It was therefore

RESOLVED that, subject to amendments to the wording considered appropriate by the Head of Planning, Application APP/18/00134 be refused for the following reason:

- 1 The windows on the first-floor bedroom on the west facing elevation and windows on the first-floor south elevation are likely to give rise to direct overlooking of adjacent properties to the detriment of the amenities of the occupants of these properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

#### **11 APP/18/00151 - 48 Havant Road, Emsworth**

(The site was viewed by the Site Viewing Working Party)

Proposal: Erection of replacement detached workshop.

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

The Committee received supplementary information, circulated prior to the meeting, which:

- (a) corrected the appendices attached to the published report;
- (b) included a sun path analysis submitted by the applicant's agent;
- (c) an amendment to recommended condition 2 to reflect the shade analysis referred to (b) above;
- (d) further third-party objection raising concerns about the sun path analysis referred to in (b) above; and
- (e) included a correction to the officer's report.

The Committee was addressed by the following deputees:

- (1) Mr Gibbons, who, on behalf of the resident at 46 Havant Road, Emsworth, objected to the proposal for the following reasons:
  - (a) the size and height of the proposal and design of the roof would be obtrusive and out of keeping with the local area;



- (b) the size, height, bulk and proximity of the proposal would be overbearing and detrimental to the visual outlook and amenities of the occupiers of 46 Havant Road, Emsworth;
  - (c) the proposed usage would have a detrimental impact on the living conditions of the occupiers of adjoining properties;
  - (d) the proposal was higher than the garage it was proposed to replace; and
  - (e) the proposal would adversely affect the light available to the occupier of 46 Havant Road, Emsworth.
- (2) Mr Coles, who, on behalf of the applicant, supported the proposal for the following reasons:
- (a) the proposal was required to enable boats to be stored and maintained inside a building on the site;
  - (b) amendments to the size, the roof, location and height of the building and position of dormer windows had been made to overcome the concerns of neighbouring properties;
  - (c) the shades analysis had been updated to investigate the concerns raised by an objector. The time of the analysis had been chosen as the objector had indicated this time in his objection;
  - (d) the proposal represented an acceptable relationship with 46 Havant Road and other neighbouring properties and complied with Council's policies and guidelines;

In response to questions raised by the members of the Committee, Mr Coles advised that:

- (i) the height of the garage was required to enable materials, such as sails to be stored in an upright position and all maintenance work to be undertaken inside the building. The current work was undertaken inside a tent on the site which had proven too low and resulted in some of the maintenance work being undertaken outside;
- (ii) although it was preferable to store the sails in an upright position, this was not essential; and
- (iii) the maintenance work would require the use of some noisy equipment. Every effort would be made to ensure that the use of this equipment would not be detrimental to the occupiers of neighbouring properties

- (3) Councillor Bowerman supported the reasons submitted by Mr Gibbons and submitted the following additional reasons for refusal:
- (a) the proposal would amount to an over intensive use of the site having regard to the size and location of the site and the other development permitted for this site, which would have a detrimental impact on the amenities of the occupiers of neighbouring properties;
  - (b) although there was no objection in principle to a workshop on the site, the size and relationship of the proposal to adjoining properties and the size of the site, would have a detrimental impact on neighbouring properties; and
  - (c) There were ample alternative places outside of the site where the boats and sails could be stored and maintained e.g. nearby sailing clubs

Councillor Bowerman recommended that the application be refused for the following reasons

*The proposed development would result in an excessive building bulk adjacent to an existing residential property, detrimental to the visual outlook and amenities of the occupier of this property. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*

In response to questions raised by members of the Committee, the officers advised that details of the height and size of the garage permitted on the site were not available at this meeting.

The Committee discussed this application in detail together with the views raised by the deputies.

During the debate the Chairman and officers raised concerns about the reasons for refusal suggested by Councillor Bowerman. The Officers advised that it would be difficult to justify a reason for refusal on the grounds of the bulk of the proposal and its impact on 46 Havant Road in view of:

- (i) the size of the garage at 46 Havant Road;
- (ii) the amendments made to overcome to reduce the impact of the proposal on 46 Havant Road; and
- (iii) the size of the application site area.

Throughout the debate the Chairman also reminded members of the Committee that it was not the role of the Committee to redesign the proposal or consider future uses of the proposed building which were recommended to be controlled by condition.

The majority of the Committee considered that the scale, size and siting of the proposal would have a detrimental impact on the visual outlook and amenities of the occupier of 46 Havant Road. It was therefore

RESOLVED that Application APP/18/00151 be refused for the following reason:

- 1 the proposed development would result in an excessive building bulk adjacent to an existing residential property, detrimental to the visual outlook and amenities of the occupier of this property. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

## **12 Appointment of Site Viewing Working Party**

The Committee considered the appointment of the Site Viewing Working Party for the ensuing year.

RESOLVED that

- (a) that the Site Viewing Working Party be constituted with the following terms of reference:

Title:	Site Viewing Working Party
Membership:	All members (including standing deputies) of the Development Management Committee
Chairman:	Chairman of the Development Management Committee
Function:	To inspect sites relating to planning applications, and other matters referred to it by the Development Management Committee and officers and to inspect sites as necessary and request additional information if necessary.

- (b) members of the Development Management Committee (including Standing Deputies) be appointed to the Working Party referred to in (a) above; and
- (c) members appointed to the Working Party referred to in (a) above continue to be members and constitute that Working Party until the first meeting of the Committee after the annual meeting of the Council subject to the members concerned remaining members of the Council during that time.

**The meeting commenced at 5.05 pm and concluded at 7.16 pm**

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**Chairman**