

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 10 July 2018

Present

Councillor Buckley (Chairman)

Councillors Howard, Keast, Lloyd, Lowe, Cresswell (Standing Deputy) and Patrick

Other Councillors Present:

Councillor(s): Satchwell and Pike

### **22 Apologies for Absence**

Apologies for absence were received from Councillor Satchwell.

### **23 Minutes**

The minutes of the meeting of the Development Management Committee held on 14 June 2018 were agreed as a correct record and signed by the Chairman.

### **24 Matters Arising**

There were no matters arising.

### **25 Site Viewing Working Party Minutes**

The Committee received the minutes of the Site Viewing Working Party held on 5 July 2018.

### **26 Declarations of Interest**

There were no declarations of interest.

### **27 Chairman's Report**

The Chairman reported that there would be a Development Consultation Forum held on 14 August regarding the land west of the Havant Crematorium on Bartons Road, and members were encouraged to attend where possible.

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

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

### **29 Deputations**

The Committee received the following deputation requests:

(1) Mr Percy – APP/18/00158 – 5A Simmons Green, Hayling Island

- (2) Mr Roper – APP/18/00158 – 5A Simmons Green, Hayling Island
- (3) Mr Garton – APP/18/00158 – 5A Simmons Green, Hayling Island
- (4) Councillor Satchwell – APP/18/00158 – 5A Simmons Green, Hayling Island
- (5) Mrs Farmer – APP/18/00120, APP/18/00121 and APP/18/00122 – Hampshire Farm, Emsworth
- (6) Councillor Pike – APP/18/00120, APP/18/00121 and APP/18/00122 – Hampshire Farm, Emsworth

**30 APP/18/00158 – 5A Simmons Green, Hayling Island**

Proposal: Retention of roof extensions comprising: extension of existing dormer on west elevation; extension of existing dormer on east elevation with provision of new windows on east and south elevation of dormer. Retention of replacement roof tiles from concrete to slate. Provision of burnt natural timber cladding to external façade of existing and proposed extended dormers and front gable.

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 set out:

- a) Additional information in relation to boundary screening, alterations to windows in the existing east facing dormer window and material samples;
- b) A proposed additional condition to reflect the altered position on materials for the proposed cladding;
- c) Additional statements and photographs submitted by the applicant; and
- d) An additional statement submitted by an objector.

The Committee was addressed by the following deputies:

- (1) Mr Percy, who objected to the application for the following reasons:
  - a) The clear glass windows on the east elevation result in direct overlooking and loss of privacy in his residence at 11C Salterns Lane; and
  - b) There was a need for consistency between conditions applied to properties in this area, as a conservatory at 11C Salterns Lane was required to have obscured glass windows that were fixed shut.

(2) Mr Roper, who objected to the application for the following reasons:

- a) The application was not consistent with Policy CS12 of the Local Plan, which sets out that developments in this area must be considerate of the Chichester Harbour Area of Outstanding Natural Beauty (AONB);
- b) The application was not consistent with Policy CS16 of the Local Plan, which concerns high quality design;
- c) The application would be detrimental to visual amenities of the local area; and
- d) There had been a lack of enforcement activity from the Council that had resulted in the current situation and this should be rectified.

(3) Mr Garton, who spoke in support of the application for the following reasons:

- a) The application was mostly within permitted development parameters;
- b) There had been a lack of contact from the Chichester Harbour Conservancy to discuss their objections, despite a willingness from the applicants to discuss the impact to the Chichester Harbour AONB with the Conservancy;
- c) The application would not result in additional overlooking of neighbouring properties; and
- d) The application would not harm the visual amenities of the area and there was a variety of differing house designs within Simmons Green.

(4) Councillor Satchwell, who highlighted the following to the Committee:

- a) There had been confusion in the Council's procedures and delays in responses that had led to difficulties in the application process and neighbourly disputes; and
- b) The objections raised by the Chichester Harbour Conservancy had now been shown as incorrect as the application was not within the Chichester Harbour AONB.

Following the deputations, the Chairman invited members to ask questions of officers regarding the report and proposal. In response to these questions it was advised that;

- The matters that were not considered permitted development were the cladding to be used on the external façade of existing and proposed extended dormers and front gable, the retention of the replacement slate roof tiles and the recommended obscuration of glass for 2no. windows on the east elevation.
- The materials to be used for the external cladding would be determined by the proposed additional condition.

The Committee then considered the proposal, taking into account the responses from officers, points raised by the deputations and the recommendation to grant permission.

During the debate, questions were raised over the windows on the east elevation and whether these constituted an unacceptable level of overlooking into the neighbouring properties. Some members pointed out that the existing windows on the east elevation did not feature obscured glass and it therefore would be unreasonable to require obscured glass in the windows in question.

Some members were minded however to approve the application with the additional condition.

A motion to grant planning permission as recommended in the report and the additional condition set out in the supplementary planning information was moved.

However, the majority of the Committee considered that Condition 4 was not necessary. Therefore it was

RESOLVED that Application APP/18/00158 be granted subject to the following conditions:

- 1 The development (for those parts not retrospective) 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 external materials used with the exception of the cladding to the dormers and south facing gable end of the building (considered under Condition 3) shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

**Reason:** In the interests of the 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.

- 3 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 for the cladding of the dormers and south facing gable end on the building 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan  
Block plan  
Existing floor and elevations plan  
Proposed floor and elevations plan revised 23/05/2018  
Design and access statement

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

**31 APP/18/00120, APP/18/00121 and APP18/00122 – Hampshire Farm, Emsworth**

Proposals: **Application 1 APP/18/00120**  
Variation of Section 106 Agreement dated 12 May 2011 associated with 10/74014/000, to discharge the obligation to provide community facilities (doctors surgery and pharmacy) on the community facilities land or transfer the land to the Council for Community Use (use falling within use class D1 non-residential institution).

**Application 2 APP/18/00121**  
Variation of Section 106 Agreement dated 12 May 2011 associated with 10/74014/000, to extend the period to procure that the Community Facilities (doctors surgery and pharmacy) on the community facilities land for a further two years until 1st December 2019.

**Application 3 APP/18/00122**  
Variation of Section 106 Agreement dated 12 May 2011 associated with 10/74014/000, to vary the definition of the community facilities from specifically a doctors surgery and pharmacy to any use within Use Class D1 (non-residential institution) and to extend the period to procure the use for a further two years until 1st December 2019.

The Committee considered the written report and recommendations from the Head of Planning to refuse permission.

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

- a) An update on consultation with the South East Hampshire Clinical Commissioning Group;
- b) Additional representations received from a previous supporter;
- c) Links to the previous committee report and minutes in relation to the outline planning permission (Ref: 10/74014/000) for the Hampshire Farm development;
- d) A letter from the Agent setting out their latest position; and
- e) Two additional third party representations.

The Committee was addressed by the following deputies:

- (1) Mrs Farmer, who supported the application for the following reasons:
  - a) There were more pressing social requirements for the site than a doctors surgery, with a particular need for facilities for young persons;
  - b) The site was no longer suitable for the provision of a health care facility and the original proposal was out-dated; and
  - c) There were alternative sites that were more suitable for the provision of health care facilities in the area, such as the Emsworth Victoria Cottage Hospital Site.

In response to questions from the Committee, the deputy advised that:

- The Emsworth Victoria Cottage Hospital site was larger than the Hampshire Farm site, with more provision for parking.
  - The Emsworth Victoria Cottage Hospital site was no longer functioning as an operational health care facility.
- (2) Councillor Pike, who supported the officer's recommendations for the following reasons:
    - a) The applicants had elapsed on extended timescales for the provision of a doctor's surgery on the site and had not made satisfactory progress; and

- b) The Council would be ideally placed to co-ordinate and lead on the usage of the site, which could encompass development in addition to a doctor's surgery.

Following the deputations the Chairman invited members to ask questions of officers regarding the report and proposal. In response to these questions it was advised that;

- Indicative timescales for the proposed surgery had been provided by the Primary Care Surveyors and were detailed within the report but these had already slipped;
- Officers were aware that the applicant had looked at other sites to provide the health care facility to the area;
- A transfer of the site to the Council would give the Council more control and involvement in looking to provide a health care facility on the site; and
- The site would be transferred back to the Council to be used for a Class D1 non residential institution, so could be utilised effectively if a doctors surgery was not possible.

The Committee considered an offer from the applicant, that if the Committee was minded to grant APP/18/00121 they would withdraw the other two applications.

The Committee was minded however to refuse all three applications, as there had been a failure to comply with the s106 Legal Agreement in relation to the provision of the doctor's surgery. The Committee viewed that the Council had acted reasonably in extending the original timescales for the relevant parts of the s106 Legal Agreement, but felt that the transfer of the land back to the Council would serve a more useful purpose than the proposed Deeds of Variation.

During the course of the debate, the Committee considered that this was the best course of action. It was therefore

RESOLVED that

- (i) the Head of Planning be authorised to refuse permission for application APP/18/00120 in relation to the Deed of Variation for the following reason:

**Reason:** The proposed variation of the S106 Agreement (as modified) would fail to secure the provision of the Community Land for the purpose of providing the Community Facilities (Doctors Surgery and Pharmacy) and the transfer of the Community Facilities Land to the Council for Community Use (Use falling within Use Class D1 non residential institutions). The proposal would therefore fail to meet the infrastructure requirements identified at the time of the associated planning application reference 10/74014/000. The proposal is therefore contrary to policies CS7, CS19 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (ii) the Head of Planning be authorised to refuse permission for application APP/18/00121 in relation to the Deed of Variation for the following reason:

**Reason:** The proposed variation of the S106 Agreement (as modified) would significantly extend the period of time to secure the provision of the Community Land for the purpose of providing the Community Facilities (Doctors Surgery and Pharmacy) and the transfer of the Community Facilities Land to the Council for Community Use (Use falling within Use Class D1 non residential institutions). The proposal would therefore fail to meet the infrastructure requirements identified at the time of the associated planning application reference 10/74014/000. The proposal is therefore contrary to policies CS7, CS19 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (iii) the Head of Planning be authorised to refuse permission for application APP/18/00122 in relation to the Deed of Variation for the following reason:

**Reason:** The proposed variation of the S106 Agreement (as modified) would significantly extend the period of time to secure the provision of the Community Land for the purpose of providing the Community Facilities (Doctors Surgery and Pharmacy) or for Community Uses (Use falling within Use Class D1 non residential institutions) and the transfer of the Community Facilities Land to the Council for Community Use. This would also reduce the likelihood of the Doctors Surgery and Pharmacy being provided at the site. The proposal would therefore fail to meet the infrastructure requirements identified at the time of the associated planning application reference 10/74014/000. The proposal is therefore contrary to policies CS7, CS19 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- (iv) the Council's Head of Legal Services be instructed to take all legal steps required to ensure the transfer of the land to the Council as set out in the S106 Legal Agreement.

**32 APP/18/00385 - 38-44 London Road, Purbrook, Waterlooville - ITEM  
WITHDRAWN**

This item was withdrawn.

**The meeting commenced at 5.00 pm and concluded at 6.34 pm**

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**Chairman**