

Telephone: 023 9247 4174  
Fax: 023 9248 0263  
Website: [www.havant.gov.uk](http://www.havant.gov.uk)

## DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

**Membership:** Councillor Buckley (Chairman)

Councillors Howard, Keast, Lloyd, Lowe, Satchwell (Vice-Chairman) and Patrick

**Meeting:** Development Management Committee

**Date:** 10 July 2018

**Time:** 5.00 pm

**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road,  
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Nick Leach  
Monitoring Officer

2 July 2018

Contact Officer: Nicholas Rogers 023 92446233  
Email: [nicholas.rogers@havant.gov.uk](mailto:nicholas.rogers@havant.gov.uk)

Page

### PART A - (Items Open for Public Attendance)

**1 Apologies for Absence**

To receive and record apologies for absence.

**2 Minutes**

1 - 4

To approve the minutes of the Development Management Committee held on 14 June 2018

**3 Matters Arising**

- |          |  |                  |
|----------|--|------------------|
| <b>4</b> | <b>Site Viewing Working Party Minutes</b>  | <b>To Follow</b> |
|          | To receive the minutes of the Site Viewing Working Party held on 5 July 2018   |                  |
| <b>5</b> | <b>Declarations of Interest</b>  |                  |
|          | To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting. |                  |
| <b>6</b> | <b>Chairman's Report</b>   |                  |
|          | The Chairman to report the outcome of meetings attended or other information arising since the last meeting of the Committee.          |                  |
| <b>7</b> | <b>Matters to be Considered for Site Viewing and Deferment</b>   |                  |
|          | The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.                                |                  |
| <b>8</b> | <b>Deputations</b>   |                  |
|          | To receive requests to make a deputation to Committee.   |                  |
| <b>9</b> | <b>Applications for Development and Development Control Matters</b>  | <b>5 - 8</b>     |

**Part 1 - Applications Viewed by the Site Viewing Working Party**

- |             |  |                |
|-------------|--|----------------|
| <b>9(1)</b> | <b>APP/18/00158 – 5A Simmons Green, Hayling Island</b>   | <b>9 - 28</b>  |
|             | <p>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 facade of existing and proposed extended dormers and front gable.</p> <p>Associated Documents - <a href="https://tinyurl.com/y8vkj72s">https://tinyurl.com/y8vkj72s</a></p> |                |
| <b>9(2)</b> | <b>APP/18/00120, APP/18/00121 and APP18/00122 – Hampshire Farm, Emsworth</b>   | <b>29 - 54</b> |

**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).

APP/18/00120 Associated Documents – <https://tinyurl.com/y8cjfpdn>

### **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.

APP/18/00121 Associated Documents – <https://tinyurl.com/y7js74f3>

### **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.

APP/18/00122 Associated Documents – <https://tinyurl.com/y978d7ng>

## **Part 2 - Applications Submitted by Havant Borough Council or Affecting Council Owned Land**

None

## **Part 3 - All Other Applications for Development**

**9(3) APP/18/00385 - 38-44 London Road, Purbrook, Waterlooville 55 - 78**

Proposal: Variation of Condition 2 of Planning Permission APP/17/01141 relating to 2No.1bed and 1No. 2bed units within approved roof space.

Associated Documents – <https://tinyurl.com/ycn6ptc8>

## **Part 4 - Enforcement and Other Development Control Matters**

None

## **PART B (Confidential Items - Closed to the Public)**

None

## GENERAL INFORMATION

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 92 446 231**

### Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: [www.havant.gov.uk](http://www.havant.gov.uk). Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Nicholas Rogers* (tel no: 023 92446233) on the afternoon prior to the meeting for details of any amendments issued.

### Public Attendance and Participation

Members of the public are welcome to attend the Public Service Plaza and observe the meetings. If you wish to address the Committee on a matter included in the agenda, you are required to make a request in writing (an email is acceptable) to the Democratic Services Team. A request must be received by 5pm on **Friday, 6 July 2018**. Requests received after this time and date will not be accepted

In all cases, the request must briefly specify the subject on which you wish to speak and whether you wish to support or speak against the matter to be discussed. Requests to make a deputation to the Committee may be sent:

By Email to: [nicholas.rogers@havant.gov.uk](mailto:nicholas.rogers@havant.gov.uk) or [DemocraticServices@havant.gov.uk](mailto:DemocraticServices@havant.gov.uk)

By Post to :

Democratic Services Officer  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

marked for the Attention of the "Democratic Services Team"



# Havant

## BOROUGH COUNCIL

### PROTOCOL AT MEETINGS – RULES OF DEBATE

#### Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman
- Councillors may only take part in the debate if they are present at the meeting: video conferencing is not permissible
- A member of the Committee may not ask a standing deputy to take their place in the Committee for part of the meeting
- The report or matter submitted for discussion by the Committee may be debated prior to a motion being proposed and seconded. Recommendations included in a report **shall not** be regarded as a motion or amendment unless a motion or amendment to accept these recommendations has been moved and seconded by members of the Committee
- Motions and amendments must relate to items on the agenda or accepted by the meeting as urgent business
- Motions and amendments must be moved and seconded before they may be debated
- There may only be one motion on the table at any one time;
- There may only be one amendment on the table at any one time;
- Any amendment to the motion can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the motion.
- The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time
- Once duly moved, an amendment shall be debated along with the original motion.
- If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion on which any further amendment may be moved.
- If an amendment is rejected different amendments may be proposed on the original motion or substantive motion.
- If an amendment is lost, other amendments may be moved to the original motion or substantive motion
- If an amendment is lost and there are no further amendments, a vote will be taken on the original motion or the substantive motion
- If no amendments are moved to the original motion or substantive motion, a vote will be taken on the motion or substantive motion
- If a motion or substantive motion is lost, other motions may be moved

#### Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the

item;

- An amendment must be voted on before the motion
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A Councillor may request that his/her vote be recorded in the minutes

## **Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)

## **Disabled Access**

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## **Emergency Procedure**

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PLEASE EVACUATE THE BUILDING IMMEDIATELY.

DO NOT RE-ENTER THE BUILDING UNTIL AUTHORISED TO DO SO

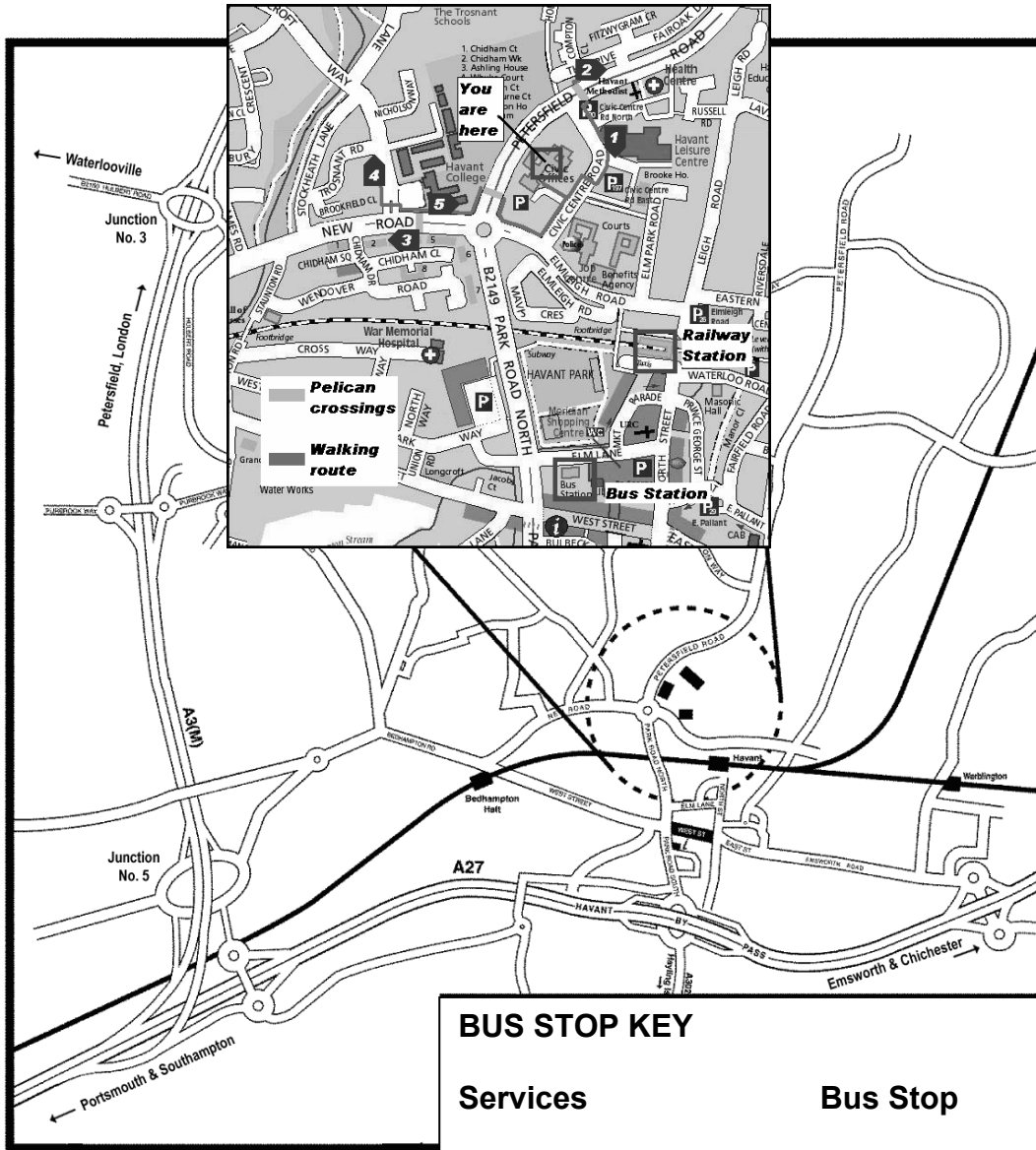
## **No Smoking Policy**

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## **Parking**

Pay and display car parking is available in the Leisure Centre car park opposite the Civic Offices as shown on the attached plan.





**BUS STOP KEY**

Services	Bus Stop
20, 21, 39, 63	1
20, 21, 36**, 39	2
23, 36**	3
23, 27**, 37	4
23, 27**, 36**, 37	5

\*\* - also stops "hail and ride" opposite Stop 1 in Civic Centre Road



**Havant**  
BOROUGH COUNCIL

Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire PO9 2AX

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## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 14 June 2018

Present

Councillor Buckley (Chairman)

Councillors Howard, Lloyd, Bowerman (Standing Deputy), Cresswell (Standing Deputy) and Hughes (Standing Deputy)

Other Councillors Present:

Councillor(s): Patrick

### **13 Apologies for Absence**

Apologies for absence were received from Councillors Keast, Satchwell and Patrick.

### **14 Minutes**

The minutes of the meeting of the Development Management Committee held on 24 May 2018 were agreed as a correct record and signed by the Chairman.

### **15 Matters Arising**

There were no matters arising.

### **16 Declarations of Interest**

There were no declarations of interest.

### **17 Chairman's Report**

The Chairman reported that the meeting of the Committee due to be held on 4 July 2018 had been rescheduled to 10 July 2018.

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

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

### **19 Deputations**

The Committee received the following deputations / representations:

- (1) Councillor Patrick (ward councillor) – APP/18/00312 – Stakes Multi use Games Area, Springwood Avenue (Minute 20)

**20 APP/18/00312 - Stakes Multi Use Games Area, Springwood Avenue, Waterloooville, PO7 8BJ**

Proposal: Installation of 4 No. solar powered, LED street Lamps, mounted on columns at the existing multi use games area (MUGA).

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) included an elevation plan of the proposed solar powered LED street lamps;
- (b) included an supporting statement for the proposed development; and
- (c) an amendment to condition 2 to reflect the elevation plan and submitted planning statement referred to (a) and (b) above.

The Committee was addressed by Councillor Patrick, who supported the application for the following reasons:

- (1) the instalment of the lamps would extend the use the existing MUGA and meet the needs of the Community;
- (2) the addition of lighting had the support of local community groups, who had expressed an interest in delivering sessions during the evening; and
- (3) the additional lighting would not have a detrimental impact on neighbouring properties.

Councillor Patrick advised the Committee that she could find no planning reasons to justify the refusal of this application.

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

- (1) the warmer lighting recommended by Environmental Health would be one of the details required under recommended condition 5; and

- (2) the maintenance of the lights would be the responsibility of the Council;  
and

The Committee was satisfied that the application would not have a negative impact on amenities or neighbouring properties. It was therefore

RESOLVED that Application APP/18/00312 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:

Technical Specifications of proposed LED solar street lighting:

Received 21.03.2018

Site Location Plan: Licence number 100019217 (2017)

Proposed Plan: Licence number 100019217 Received 21.03.2018

Proposed Elevation Plan: Drawing No 28346-1

Supporting Statement Received 06.06.2018

Reason: - To ensure provision of a satisfactory development.

- 3 The intensity of illumination shall not exceed 40 candelas per m<sup>2</sup>.

Reason: In the interests of the amenities of the area, highway safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 4 The hereby permitted streetlamps shall only be illuminated for upto 6 hours daily between the hours of 3pm-9pm

Reason: In the interests of the character and visual amenities of the area and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 5 Prior to development work commencing a light spill plan shall be submitted to and approved in writing by the local planning authority. The lighting installed shall be illuminated in accordance with the light spill plan and retained in accordance with the approved details.

Reason: In the interests of the character and visual amenities of the area and having due regard to policies DM10, CS16 of Havant Borough Local Plan Core Strategy 2011 and the NPPF.

**21 APP/18/00350 - Bartons Green, Wakefords Way, Havant**

Proposal: External alterations to pavilion.

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) included a supporting statement; and
- (b) an amendment to condition 2 to reflect the submitted planning statement referred to (a) above.

RESOLVED that Application APP/18/00350 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:

Location Plan: Drawing No 28046- PD100  
Block Plan: Drawing No 28046- PD101  
Proposed Floor and Elevation Plan: Drawing No 28046- PD103  
Supporting Statement: Received 07.06.2018

Reason: - To ensure provision of a satisfactory development.

**The meeting commenced at 5.00 pm and concluded at 5.24 pm**

.....  
**Chairman**

## HAVANT BOROUGH COUNCIL

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### Development Management Committee

### APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE HEAD OF PLANNING

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#### **Applications to be determined by the Council as the Local Planning Authority**

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Development Management Committee.

***Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon prior to the meeting of the Development Management Committee.***

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal. The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

HPS	Head of Planning Services
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	Havant Borough Council Conservation Area Review
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
LB	Listed Building included in the list of Buildings of Architectural or Historic Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention
SSSI	Site of Special Scientific Interest
FP	Definitive Footpath
POS	Public Open Space
TPO	Tree Preservation Order
HBC	Havant Borough Council
GPDO	Town & Country Planning (General Permitted Development) Order
DMPO	Town & Country Planning (Development Management Procedure)(England) Order 2010 amended
UCO	Town & Country Planning (Use Classes) Order
S106	Section 106 Agreement
Ha.	Hectare(s)
m.	Metre(s)

## RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

### **Implications**

#### **Resources:**

None unless detailed in attached report.

#### **Legal:**

Details set in the individual reports



**Strategy:**

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

**Risks:**

Details set out in the individual reports

**Communications:**

Details set out in the individual reports

**Background Papers:**

Individual Applications with Case Officers

Simon Jenkins  
Head of Planning

Nick Leach  
Monitoring Officer

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Site Address: 5A Simmons Green, Hayling Island, PO11 9PP  
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 facade of existing and proposed extended dormers and front gable.

Application No: APP/18/00158

Expiry Date: 09/07/2018

Applicant: Mr D Garton

Agent:

Case Officer: Bee Crawford

Ward: Hayling East

Reason for Committee Consideration: At the request of Councillor Satchwell

HDS Recommendation: **GRANT PLANNING PERMISSION**

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## 1 Site Description

- 1.1 The application site is a modern detached chalet style bungalow and detached double garage, situated at the end of a cull-de-sac. It has a slate tiled pitched roof (which forms part of this application) and elevations of red multibrick. The site is level with open vehicular access to the front with a block paved drive, parking area and shrubs to the southern boundary and a hedge to part of the western boundary. The rear garden is mainly laid to lawn with a patio area, shingle and shrubs to the eastern side. There is a 1 metre high fence and 2 metre high wall to the western boundary, a 1 metre high fence, shrubs and trees to the eastern boundary and the rear of the garden leads to open water (My Lords Pond) with a slipway. The site also lies adjacent to the Chichester Harbour Site of Special Scientific Interest (SSSI), the Chichester Harbour AONB, Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC).
- 1.2 Detached chalet style bungalows are to the east and west, a detached bungalow is opposite and My Lords Pond is to the rear. The area is of low to medium density with detached bungalows and chalet dwellings of a similar age, with variations in design.

## 2 Planning History

88/50638/1 - Erection of new dwelling, permitted 09/06/1988.

96/50638/004 - Alterations to existing boat slipway (amended application), permitted 01/10/1996.

96/50638/005 - Provision of dormer to west elevation, permitted 06/02/1997.

## 3 Proposal

- 3.1 The application comprises the following elements:

Retrospective (i.e. work already completed or commenced)

1. 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.

2. Retention of replacement roof tiles from concrete to slate.

Non-retrospective (i.e. work not yet commenced)

3. Provision of burnt natural timber cladding to external facade of existing and proposed extended dormers and front gable.

#### **4 Policy Considerations**

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))

CS15 (Flood and Coastal Erosion)

CS16 (High Quality Design)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

DM9 (Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

#### **5 Statutory and Non-Statutory Consultations**

##### **Chichester Harbour Conservancy**

##### **Initial response:**

- Roof alterations are harmful to the AONB
- Alterations badly disfigured and unbalanced the appearance and elevational composition of this modest dwelling - detracting from the natural beauty of the area.
- Extension to the roof in no way “harmonises with the existing house”, as stated in the submitted design statement, which in no way references the relevant development plan policies and guidance, which ought to have been used to inform the design solution.
- Proposals are still considered to be contrary to Local Plan policies CS11 (Strands 1 and 2), CS12, CS16 (Strands 1a-1c) and DM9 (strands 2 and 3) of the Development Plan for the Borough and advice given both in the Borough Design Guide (paragraphs 5.47-5.48) and Joint Chichester Harbour AONB SPD (Paragraph 22.1).
- Cumulative total of additions to the roof, using the dormer fascia edge to calculate, come to 54.448 cubic metres.
- If permitted development rights exist – which is hard to fathom, otherwise why was application 96/50638/5 made? – this is greater than the 50 cubic metres usually permitted.
- It is suggested that the council under-enforce in this instance therefore and require that -
  - the northern edge of each dormer extension be equally reduced back from

the Harbour, to allow the original gable end to still be 'read' and give a less disagreeable (albeit still visually unbalanced) impact not exceeding 50 cubic metres allowable if permitted development rights do exist for this property; and,

- that the dormer faces and cheeks be clad with slate to match the main roof, to at least offer a more unified appearance to the development.

- The Conservancy is only making its comments based upon impact to the AONB, but is aware of neighbour concerns regarding overlooking, beyond what might otherwise usually be achieved as permitted development (Condition B2. (c), to Class B of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The council is therefore requested to consider this issue when framing the wording of any planning Enforcement Notice.

**Further response based on amended plans:**

**Recommendation 1** – Objection, owing to visual harm to the Chichester Harbour AONB.

**Recommendation 2** – That the council as local planning authority issues a Planning Enforcement Notice requiring –

- the northern edge of each dormer extension be equally reduced back from the Harbour, to allow the original gable end to still be 'read' and give a less disagreeable (albeit still visually unbalanced) impact not exceeding 50 cubic metres allowable if permitted development rights do exist for this property; and,
- that the dormer faces and cheeks be clad with slate to match the main roof, to at least offer a more unified appearance to the development.

It is suggested that the time for compliance should be 3 months, being as work is already being undertaken at the site.

**Recommendation 3** – That the council gives consideration at the earliest opportunity to the making of a group or several group/individual Tree Preservation Orders along the Harbour shoreline to My Lord's Pond, between 5a Simmons Green to 1 Swans Walk, so as to protect valued natural features within and immediately adjoining the Chichester Harbour AONB .

**Officer note:**

With regards to Recommendation 3 above, officers consulted with HBC Tree Officer's who provided the response below.

**Arboricultural Officer**

As far as it is reasonable to see the group of mature oak trees on the northern boundary of Simmons Green and Swans Walk, appear healthy, have significant visual amenity value in the local landscape and contribute to the local distinctiveness of the area.

However, I am not aware of any threat to the viability of these trees, either as a result of inappropriate management or removal.

In my view, therefore, it would be unnecessary and inappropriate to impose the legal

constraint of a Tree Preservation Order on property owners at this point in time.

**Environment Agency**

No response received.

**6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 9no. individual representations were received. A summary of these is provided below.

<b>Comment</b>	<b>Officer Comment</b>
The works have commenced without permission.	An application has been submitted to seek regularisation for the unauthorised works.
The development is of a poor design which has an adverse impact on the character of the AONB and area in general and is contrary to local planning policy and the Chichester Harbour AONB design guidance.	Please see section 7 below - Planning Considerations
The Design and Access Statement is misleading.	This has been amended.
The application description is misleading.	This has been amended to reflect what has been built and what is proposed.
No pre-application advice was sought from the Council.	Noted. This is not a statutory requirement.
A loss of privacy results from the new side facing windows.	Please see section 7 below - Planning Considerations
The amended plan is lacking in detail.	A further amended plans has been submitted which accurately reflects the proposed / retrospective works.
The development sets an undesirable precedent.	Please see section 7 below - Planning Considerations
The enlargement and insertion of clear glazed windows on the eastern elevation in the existing dormer window.	From a site inspection it would appear that the window openings have not been enlarged

**7 Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development

- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. Part of the site falls within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) but the application property is outside of the AONB boundary. However, Policy CS12 (Chichester Harbour Area of Outstanding Natural Beauty) is applicable, along with Policy CS16 (High Quality Design).

(ii) Appropriateness of design and impact on the character of the area

7.3 The works to the roof include the extension of the existing, side facing, flat roof dormer windows towards the rear elevation of the property, up to the point of the gable end. They do not extend past the gable end. The gable end elevation has been altered to include windows across the full width of the existing rear elevation and the rear elevation of the extended east facing gable. There are also 2no. new clear glazed windows in the side (east facing) elevation of the extended eastern dormer window. The existing pitch is visible above the extended dormer windows. The roof tiles have been replaced with a new slate style tile and the existing dormers and the extensions are proposed to be clad with burnt larch timber cladding.

7.4 From the view of the streetscene, the most prominent alterations to the dwelling are the cladding to the front elevation at first floor level and the replacement roof tiles. Whilst there is a degree of uniformity in the immediate locality with regards to materials, it is not uncommon for dwellings to be updated using more modern materials since their time of construction (in this case 1988). Modern remodelling of nearby dwellings has recently been approved at No. 2 Simmons Green (APP/16/00618) and 3 Swans Walk (APP/16/00878). These are yet to be constructed however, have permission to use more modern roof materials such as zinc for example. Overall therefore it is considered that the replacement roof tiles and cladding do not result in adverse harm to the character and visual amenity of the streetscene in Simmons Green.

7.5 The works to the rear of the building are not considered to be highly visible from the context of the streetscene. They are however visible to the neighbouring properties and the wider AONB to the north. The works to the rear of the building have created a box like effect on the existing roof structure, resulting in a contrived design which appears to have been designed from the inside out. Chichester Harbour Conservancy (CHC) have responded that these roof alterations badly disfigure and unbalance the appearance and elevational composition of the dwelling and overall have an adverse impact on the adjacent AONB and therefore do not accord with Policy CS12 of the Local Plan. The window formation creates an unbalanced elevation at the rear, with windows being gathered on the north east of the dormer extension. Overall, the design is considered to be poor and would not accord with Policy CS16 (High Quality Design) of the Local Plan.

7.6 However, the dormer extensions (the mainly structural alterations) can be carried under permitted development as set out in the General Permitted Development Order 2015 (as amended), Schedule 2, Part 1, Class B. This is because the cubic capacity of both the existing and new dormer windows fall within the tolerances set out in Class B by not exceeding 50m<sup>3</sup> or being higher than the highest part of the roof. However, as the eastern dormer includes two, clearly glazed side facing windows and the proposal for the dormers to be clad with timber, these elements do require planning permission. This is why the roof extension works have been included within the retrospective application.

7.7 It is therefore difficult for the Local Planning Authority (LPA) to justify a refusal of the

application as most of the works could be carried out without the need for planning permission. The cladding of the dormer windows alone would not be so harmful that they would constitute a refusal and the impact of the side facing windows could be mitigated (see section below relating to impact on neighbours) against and also, would not warrant a refusal.

- 7.8 Therefore, the recommendation of the LPA that whilst the design is not in accordance with Policy CS16 or Policy CS12, given that the most harmful elements of the works can be carried out under permitted development, the application is recommended for approval.

(iii) Effect on neighbouring properties

- 7.9 The application site has similar building lines to No. 5 Simmons Green and therefore the extended west facing dormer is not overly visible or considered to have a significant impact on the amenity of this property.
- 7.10 The neighbour to the east of the site, No. 11c Salterns Lane is positioned further forward than the application property and therefore the rear elevation of No. 11c is almost in line with the front elevation of No. 5a. As such, any works to the east elevation of No. 5a would be highly visible to No. 11c from the rear of this property and from within the rear garden and the property beyond to the east at No. 11d. The existing east facing dormer window already faces onto the central part of the rear garden of No. 11c however, this was built as part of the original dwelling and before No. 11c Salterns Lane was constructed.
- 7.11 Two new east facing windows have been inserted into the extended section of the east dormer window. These are clearly glazed and openable and as such, provide a direct view into the rear part of the garden 11c Salterns Lane and also 11d Salterns Lane beyond this. The rear parts of the garden in this particular location are well utilised given the proximity of the coastline and the desire to enjoy the view. The side windows, therefore, are considered to result in a direct loss of privacy to the neighbouring properties, contrary to Policy CS16 of the Local Plan.
- 7.12 The windows within the roof extension and rear elevation serve one bedroom as shown on the proposed floor plans. The bedroom would be well served by the 6no. windows along the rear elevation in terms of providing a panoramic outlook of the adjacent AONB and also for light allowance. It would, therefore, be reasonable for the 2no. side facing windows to be conditioned to be obscurely glazed and fixed shut so as to prevent the loss of privacy to the occupants of the neighbouring properties, in particular the loss of privacy in the rear section of the garden. As the windows are already in situ, a condition would be attached to require these windows to be obscurely glazed and fixed shut within 1 month of the date of the planning permission if granted.

## **8 Conclusion**

- 8.1 The roof extension is considered to be of a poor design, contrary to the advice set out in Policy CS16 of the Local Plan. However, as the majority of the works fall within permitted development tolerances, the LPA cannot justify a reason of refusal for the application. Furthermore, the requirement to obscurely glaze and fix shut the side facing windows will limit the loss of privacy to the neighbouring property. As such, the application is recommended for approval.

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## **9 RECOMMENDATION:**



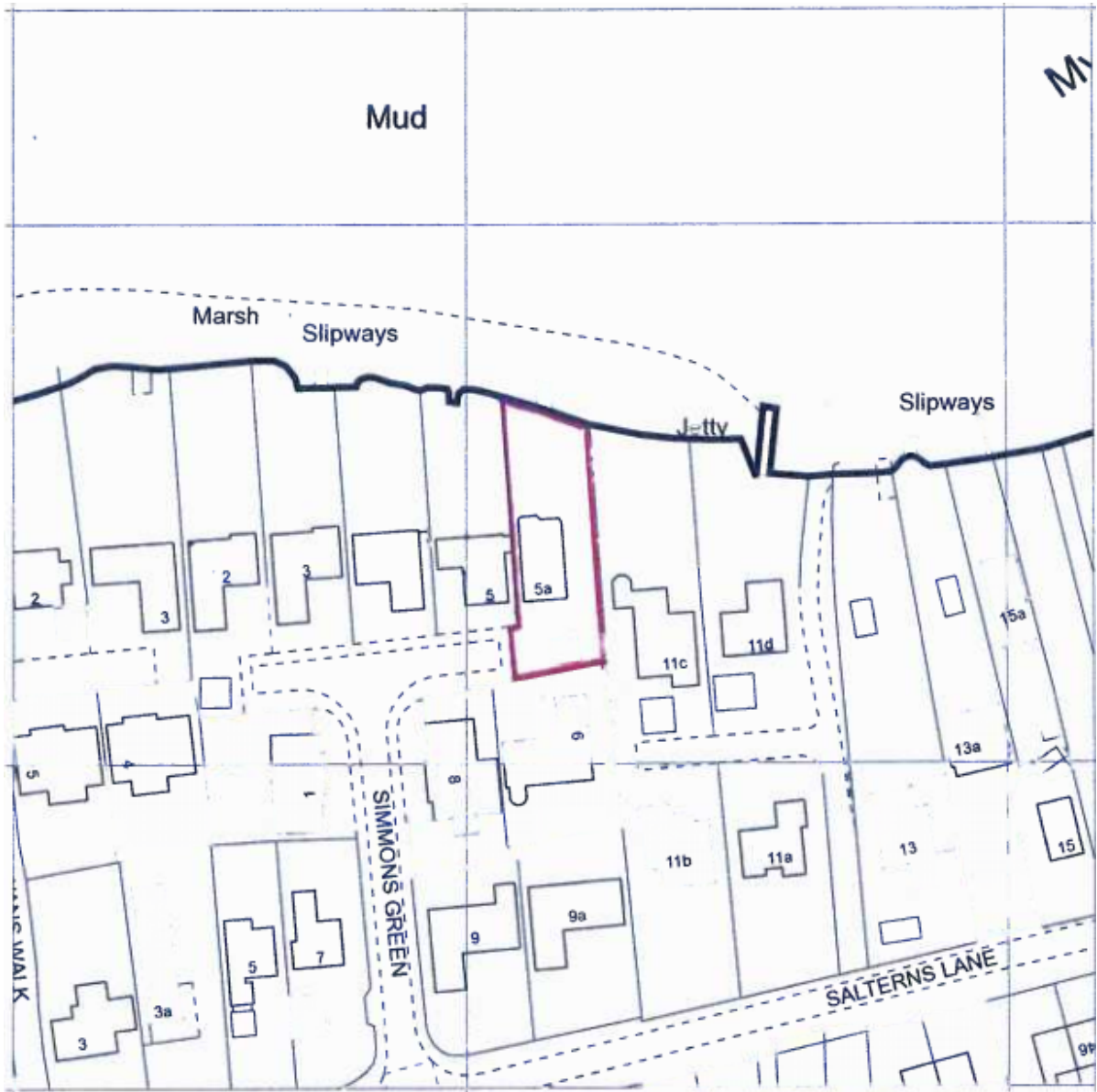
That the Head of Planning be authorised to **GRANT PLANNING PERMISSION** for application APP/18/00158 subject to the following conditions

- 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 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.
- 3 The external materials used 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.
- 4 The 2no. windows on the east elevation set within the extended dormer window hereby approved shall be permanently fixed shut and fitted with textured glass which obscuration level no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter. Such alterations shall be completed within one month of the date of this planning permission unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of the amenities of the occupiers of No's 11c and 11d Salterns Lane and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

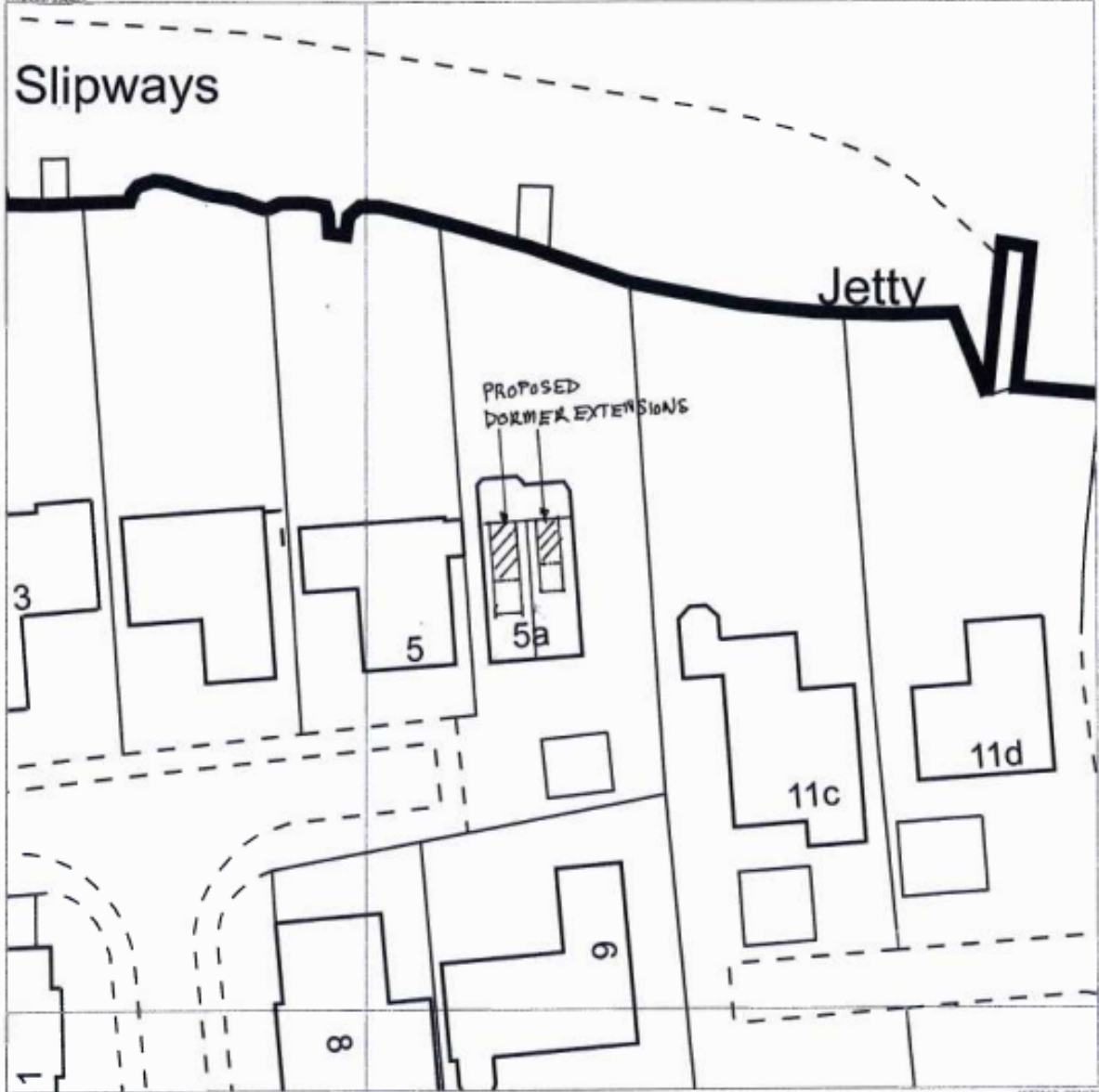
Appendices:

- A – Location Plan
- B – Block Plan
- C – Existing Elevations
- D – Existing Floor Plans
- E – Proposed Elevations - (received on 29<sup>th</sup> May 2018)
- F – Proposed Floor Plans - (received on 29<sup>th</sup> May 2018)

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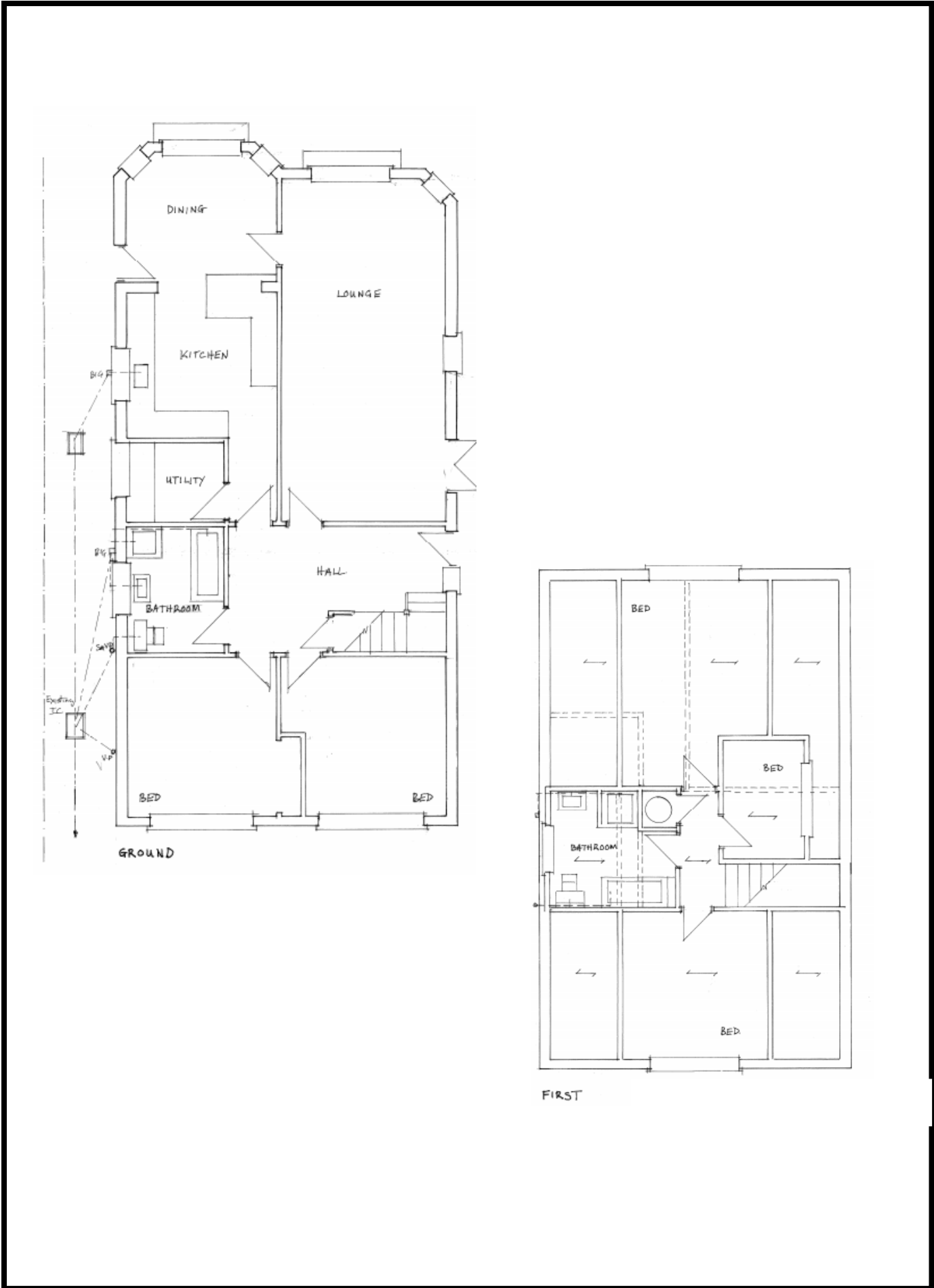
SIDE (WEST)



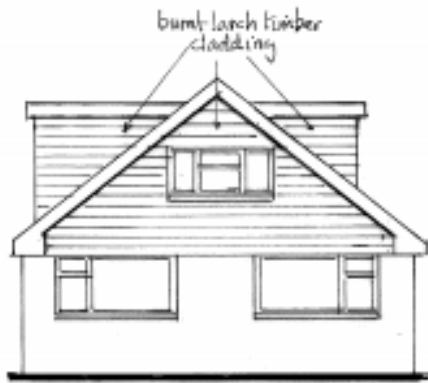
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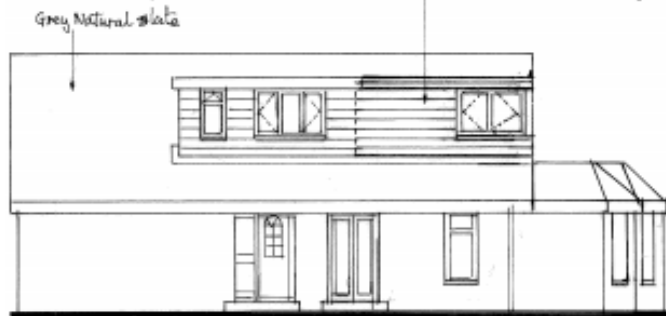
FRONT (SOUTH)



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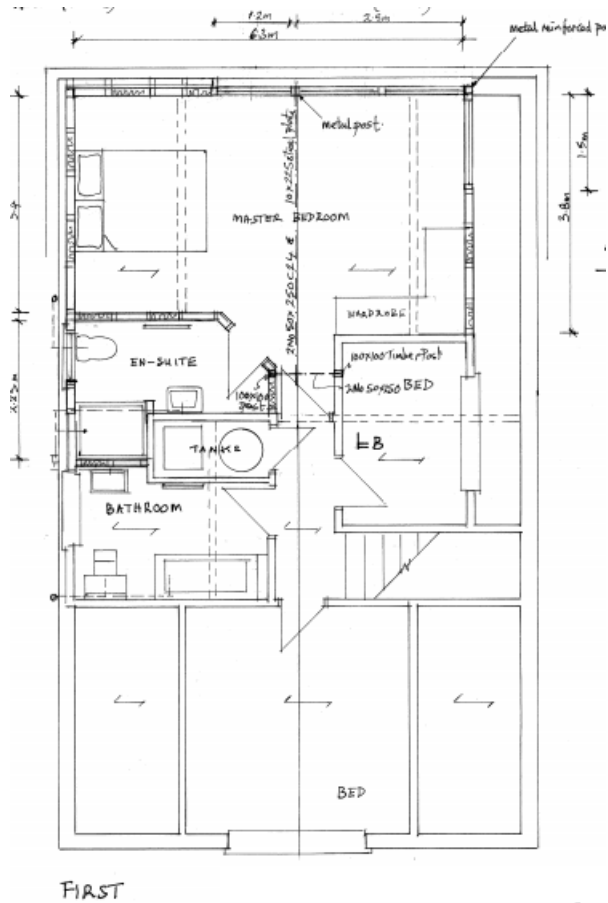
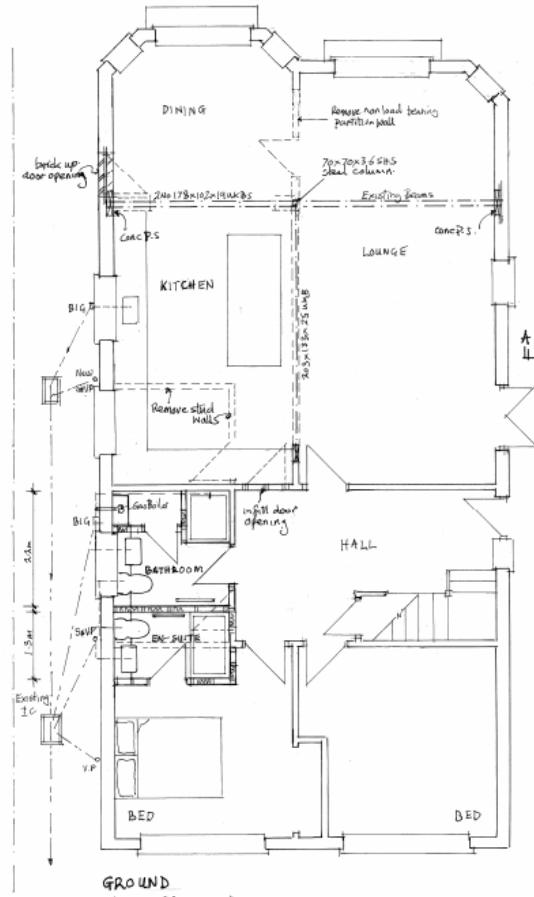
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PROPOSED ELEVATIONS

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Site Address: Land at Hampshire Farm, Westbourne Road, Emsworth,  
PO10 7RN

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.

Application No's :	APP/18/00120, APP/18/00121, APP/18/00122	Expiry Dates:	03/05/2018
Applicant:	Bellway Homes and Bloor Homes		
Agent:	Miss L Grimason	Case Officer:	David Eaves
Ward:	Emsworth		

Reason for Committee Consideration: HPS Referral

Density: N/A

HDS Recommendation: **REFUSE PERMISSION**

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**Executive Summary:**

This report relates to three applications seeking Deeds of Variation to the S106 dated 12th May 2011 (as previously varied) which was associated with the granting of planning permission reference 10/74014/000. This planning permission was an *Outline application for demolition of existing dwelling and erection of 280No. residential dwellings, doctors surgery and pharmacy with associated parking and landscaping, improvements to roundabout, and realignment of southern section of Redlands Lane to provide access and provision of public open space with parking, landscaping and construction of balancing pond with some matters reserved (approved 13/05/2011).*

The three applications are as follows:

**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).*

The effect of this variation would be to remove any obligations imposed by the S106 Agreement on the land. Therefore there would be no requirement to either:

1. Provide and lay out the Community Facilities Land for the purpose of providing the Community Facilities (Doctors Surgery and Pharmacy)
2. Transfer the Community Facilities Land to the Council for use for use for Community Use (Use falling within Use Class D1 non residential institutions)

The provision of the Doctors Surgery and Pharmacy were part of the original planning application and the requirement for their provision was fully assessed during the consideration of the planning application and included in the associated S106 Agreement. During the current application consideration has been given as to whether the requirements of the relevant parts of the S106 continue to serve a useful purpose and it is concluded that they do as evidenced in this report. The deed of variation is therefore recommended for refusal.

#### **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.

The effect of this variation would be to extend period of time for the applicant to meet the requirements of the S106 agreement to allow for a further 2 year period.

Given that the requirements in relation to the Community Facilities have still not been realised beyond the extended period of time (previously granted by Deed of Variation), that the clauses continue to serve a useful purpose that would not be equally well served by the deed of variation and that the S106 includes within it the clause where the land is required to be transferred to the Council for Community Use the further extension of the compliance period is not considered to be necessary or acceptable.

#### **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.

This application seeks to extend the range of Community Facilities that could be provided at the site and to seek a further two year period to secure their provision.

The original consent clearly anticipated the provision of a Doctors Surgery and Pharmacy on the Hampshire Farm site and there is every indication that this is moving towards being secured. This aspiration could be harmed by the widening of the definition of Community Facilities to include any D1 use in a situation where the land owner may be looking to secure a greater financial return from an alternative use, potentially less widely beneficial to the public.

The transfer of the Community Facilities land to the Council as required by clause 2.3



would allow for a Community Use (a use falling within Use Class D1 non residential institutions), however, this would allow the Council to exercise control over the use. Therefore the use of the land for a Doctors Surgery and Pharmacy could still be set as a preferred option as originally envisaged and as supported in the Planning Policy consultation response in part 5 of this report.

In conclusion in relation to Application 3 it is considered that the original relevant clauses in relation to the S106 agreement continue to serve a useful purpose which would not be equally well served by the deed of variation.

In relation to all three applications it is therefore recommended that the Deeds of Variation are refused.

Finally it is recommended that the Head of Legal Services be instructed to commence the transfer of the land to the Council as set out in the S106 Legal Agreement.

## **1 Site Description**

- 1.1 The site forms part of the large residential development area formerly known as Hampshire Farm and post development known as Redlands Grange. The site area is approximately 0.46ha.
- 1.2 The site itself is currently open grassland with trees and hedges to the south-western and south-eastern sides. There is also a parking area with 13 car parking spaces on the north-western part of the land.
- 1.3 To the north-east beyond the land is an electricity sub-station. The land is bounded by the B2147 (Westbourne Road) to the south, Redlands Lane and Skylark Avenue to the West and Yarrow Road to the north. To the east is an area of allotments and associated parking with public open space beyond. To the North is the modern residential development of Redlands Grange and to the west and south more established residential development.

## **2 Relevant Planning History**

10/74014/000 - Outline application for demolition of existing dwelling and erection of 280No. residential dwellings, doctors surgery and pharmacy with associated parking and landscaping, improvements to roundabout, and realignment of southern section of Redlands Lane to provide access and provision of public open space with parking, landscaping and construction of balancing pond with some matters reserved (approved 13/05/2011).

**This application was granted planning permission subject to an associated S106 Legal Agreement and it is this S106 (as previously varied) that is sought to be varied in the three current applications. Details of the proposed variations are provided in part 7 of this report.**

APP/11/01089 - Reserved Matters Application for 280No. residential dwellings relating to layout, appearance, scale and landscaping following Outline Planning Permission 10/74014/000 (approved 31/10/2011).

APP/12/00168 - Variation of approved plans under Condition 3 of Planning Permission APP/11/01089 for plots 5, 6, 8-15, 37-39, 44, 45, 48-51 and 54-64 to include various changes to house and garage types, elevational changes and minor resiting, also reconfiguration of car parking spaces., PERMITTED, 11/05/2012

APP/12/00837 - Reserved Matters Application (pursuant of outline planning permission 10/74014/000) for redesign of northern part of the site to provide a total of 161 units (reduction of 32 units) with associated parking and landscaping. , PERMITTED,14/12/2012

**This application resulted in an associated Deed of Variation to the original S106 Agreement related to affordable housing (this provision is not subject to the three current applications)**

APP/17/00300 - Variation of S106 legal agreement relating to Planning Permission 10/74014/000 (Hampshire Farm) to extend the period to procure that the Community Facilities (doctors surgery and pharmacy) are provided on the Community Facilities Land until the 1st December 2017.

Deed of Variation agreed on the 19<sup>th</sup> October 2017. This provided additional time for the owner/developer to procure that the Community Facilities be provided on the Community Facilities Land. It also extended the time period for transfer of the Community Facilities land to the Council in the event that the Community Facilities had not been provided.

It should be noted that the transfer period included an additional 56 days from the 1<sup>st</sup> December 2017 under the S106 Agreement taking the transfer date to the 22<sup>nd</sup> January 2018. The applications subject to this report were submitted shortly after that date, with letters dated 26<sup>th</sup> January 2018 and date stamped received on the 29<sup>th</sup> January 2018.

**This Deed of Variation to the original S016 Agreement amended the timescales for the requirements under consideration in the three current applications.**

### **3 Proposals**

- 3.1 This report relates to three separate applications to vary the requirements of the S106 Agreement (as amended) associated with planning permission 10/74014/000. The report covers all three applications but each application will be commented on separately in part 7 and there will be three separate recommendations for consideration and determination.

#### **Application No1. Ref: APP/18/00120**

- 3.2 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 No.2. Ref: APP/18/00121**

- 3.3 Variation of Section 106 Agreement dated 12 May 2011 associated with 10/74014, 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 No.3. Ref: APP/18/00122**

- 3.4 Variation of Section 106 Agreement dated 12 May 2011 associated with 10/74014, 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.

**4 Policy Considerations**

National Planning Policy Framework  
Havant Borough Council Borough Design Guide SPD December 2011  
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1 (Health and Wellbeing)  
CS17 (Concentration and Distribution of Development within the Urban Areas)  
CS19 (Effective Provision of Infrastructure)  
CS21 (Developer Requirements)  
CS7 (Community Support and Inclusion)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)  
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

**5 Statutory and Non Statutory Consultations**

**Arboriculturalist**

No comment

**Community Infrastructure**

No comments received

**Economic Development - Commercial and Housing, Economic Development - Commercial and Housing**

No comments received

**NHS Property Services**

No comments received

**South East Hampshire Clinical Commissioning Group**

No comments received

**Neighbourhood Development Officer**

No comments received

**Planning Policy**

The original obligation under permission 10/74014/000 was to provide community

facilities (doctors surgery and pharmacy) on the community facilities land or transfer the land to the Council for Community Use. The existing Emsworth Surgery building does not meet the requirements for space. Consideration has been given to the use of the Victoria Cottage Hospital site, which is centrally located in Emsworth and is owned by NHS Property Services. However, it is not fit for purpose, so the plan is to replace the existing surgery with a new building. Within the terms of the S106 planning agreement for the Hampshire Farm development a site (Redlands Grange) has been set aside for a doctor's surgery and pharmacy. This site would become more central to the expanding population given the proposed developments to the north of Long Copse Lane and at Southleigh as well as the need to cover Westbourne. The development of the Strategic Site and other sites in the Emsworth area will require additional GPs. These could be accommodated subject to the Emsworth Surgery finding a suitable new site / premises that will be capable of further expansion in the future.

### **Property Services**

With reference to the above application, the applicant failed to comply with the requirement of the s106 Agreement within the timescale specified nor within an extension of that timescale which was agreed with the Council in order to comply with the requirement, despite there being ongoing interest expressed in the land consistent with the required use. The extended timescale expired in January.

As such it is considered that the land should now be transferred to the Council in accordance with the provisions of the s106 agreement. It is also believed that there is a continued demand for the land as a D1 Use, including use as a doctors' surgery and pharmacy.

I therefore do not support this application.

### **Public Health Team, Hampshire County Council**

No comments received.

## **6 Community Involvement**

This applications were publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 21

Number of site notices: 2

Statutory advertisement: 09/03/2018

Number of representations received: 4 Objections (Including Primary Care Surveyors and Emsworth Residents Association) and 1 Support.

### **6.1 Objections**

#### ***Primary Care Surveyors: (original comments)***

I am the surveyor appointed by the doctors of Emsworth Surgery to advise them on

their proposed relocation to a new medical centre.

I have been advising the practice for a number of years with much initial effort having been focussed on the Victoria Cottage Hospital (VCH) site. That site, whilst readily accessible for residents of the town of Emsworth, was felt to ultimately suffer the same constraints as the existing surgery in North Street. This was to offer very little by way of expansion space and inflexible accommodation compounded by insufficient car parking provision. The VCH site is owned by NHS Property Services Ltd and once the forecast operational cost was provided by the landowner this rendered the scheme unviable for my client. This decision was made in 2017 to cease proceeding with VCH site with my clients focusing their efforts on the land available at Hampshire Farm.

Negotiations with Bellway and Bloor Homes were undertaken and commercial terms agreed for the purchase of the land in question in 2017. A business case has been written and submitted to South West Hampshire NHS Clinical Commissioning Group (CCG) to secure funding for this new medical centre.

The demand for a new medical centre to serve the residents of Emsworth is ever-increasing.

There is a demand for greater provision of healthcare services within the community in order to ease access to healthcare for residents and to reduce the burden on the secondary care sector (ie hospitals). For this reason engagement with the CCG has been positive and the indications are encouraging. If it had not been for the initial encouragement having been directed towards the VCH site then the S106 opportunity may have been explored further much sooner. However, good progress has been made and my clients are anxious that the opportunity to develop a new medical centre on this site is not lost.

To this end my clients have urged me to write this letter of objection to the three planning applications as made to ensure that the opportunity to provide a new medical centre for the residents of Emsworth is not lost.

***Primary Care Surveyors additional information:***

1. Demand/need for the new medical centre

Emsworth Surgery is a partnership of 7 doctors with a non-weighted patient list size of 12,745 (December 2017). With a Full-Time Equivalent (FTE) GP count of 5.75, this represents a ratio of 2,216 patients per GP. The upper limit for the GP/patient ratio in England is 1,800 patients per GP (source: *NHS Choices*), putting Emsworth Surgery far beyond the upper limit.

Population growth for Emsworth is predicted at approximately 150 persons per year over the next 10 years (source: HBC). However, the practice's patient list is expected to increase to in excess of 15,000 by 2026 and to circa 20,000 by 2036 (source: Emsworth Surgery Options Assessment document), representing a patient population growth of 2,255 over 10 years or 7,255 over 20 years. This predicted growth results from the *Havant Borough Council Draft Local Plan* commitment to build 2,560 new homes in the Emsworth area by 2036, which is projected to generate upwards of 5,888 new residents in Emsworth, based on 2.3 persons per dwelling (source: *ONS 2011*).

Reflecting requirements in the government's *National Planning Policy Framework*

(*NPPF*), a total of 9,549 new homes in the Havant Borough is proposed between 2016 and 2036. The 6,989 new homes that will be built in areas surrounding Emsworth (including Havant, Bedhampton, Leigh Park and Hayling Island) are projected to generate an additional 16,075 new residents, putting additional pressure on local healthcare infrastructure.

GP practices are obliged to accept new patients, unless there are reasonable grounds to refuse doing so which must be provided in writing and can include the practice having no capacity to take on new patients. With 2,216 registered patients per GP, Emsworth Surgery is already operating at above capacity and would be justified in refusing to accept new patient registrations; however, this would not be in the interests of best practice nor of the patient population of Emsworth, so it is not a measure the practice has decided to take, despite being in premises significantly undersized for the patient list.

Emsworth Surgery is the only GP practice in Emsworth, and the only surgery within 2 miles of the housing development planned at Hampshire Farm, to the north of Emsworth, which is anticipated to generate 280 new homes (644 new residents) and which will, along with other local housing developments, increase the local population far beyond what has been projected for organic population growth. The additional, unsustainable pressure that would be placed on the practice in its current premises to accommodate the population rise projected as a result of local housing development including that at Hampshire Farm, is the reason the doctors at Emsworth Surgery are applying for EMTF funding (**Officer Comment:** NHS England's Estates and Technology Transformation Fund) in order to build a new medical centre to accommodate the practice and its current and future patient population.

Several options having been investigated, analysed and deemed to be unviable, the practice identified the land at Hampshire Farm, which lies to the north of Emsworth, as being a suitable site for the construction of a new medical centre that will be located less than 1 mile from the current main surgery and 0.5 miles from the branch surgery, minimising disruption and inconvenience to patients.

## 2. Intention of NHS approval for the Emsworth Surgery relocation scheme

The Emsworth Surgery relocation scheme has the backing of Havant and Emsworth MP Alan Mak, who has organised and chaired a series of high-level meetings and has met with the Health Minister to ensure that the Emsworth Surgery development is firmly on the Department of Health's National Agenda.

South Eastern Hampshire Clinical Commissioning Group has also identified that the scheme is consistent with its clinical strategy and is its second priority for capital investment in the whole of South East Hampshire.

At a meeting on 16 April 2018, the Full Business Case (FBC) requesting EMTF funding for the creation of a new medical centre at Hampshire Farm was discussed by the doctors, their specialist advisors, and representatives of South Eastern Hampshire CCG and NHS England, who were vocal in their support of the scheme and sought clarification on a number of aspects of the project, with the aim being to strengthen the FBC and the application for funding of the project. Procurement options were put forward and the meeting culminated with a number of actions being distributed to all parties, relating to tidying up the FBC ready for submission to the CCG and to NHS England.

All other options explored by the practice for the relocation or siting of a new medical

centre have been acknowledged by the CCG as being either unviable or undeliverable. With the allocation of Hampshire Farm being for community use (including healthcare) all efforts are being made by the practice with the support of the CCG to bring about the delivery of the medical centre at this location.

### 3. Timeline in relation to progress made and future timescales

Please find below the timeline of agreed actions thus far, relating to relocation of Emsworth Surgery to a new, purpose-build medical centre on the Hampshire Farm site and to the Full Business Case in which the practice's bid for EMTF funding towards the project is detailed:

Completed	PID submitted and approved
Completed	Agree Heads of Terms for purchase
Completed	Architects appointed
Completed	Rent/development appraisal
Completed	Submit appraisal to CCG
Completed	District Valuer appointed
Completed	Submit Outline Business Case
Completed	District Valuer to submit report
Completed	Architects to take client brief and prepare design concept layout drawings
Awaiting	District Valuer negotiations
Shortly to be submitted	Submit planning application
May 2018	Appoint party to conduct Post-Project Evaluation
June 2018	Appoint Quantity Surveyor
June 2018	Quantity Surveyor to refine fit-out costs
June 2018	Submit Full Business Case
June 2018	Submit pre-budget cost application(s)
June 2018	Architects' concept layout drawings finalised
June 2018	Approval of Heads of Terms by NHS
June 2018	Architects to provide specification and room data sheets
June 2018	Planning application decision due
July 2018	Instruct solicitors to prepare agreement for lease
July 2018	Approval of Full business Case and pre-budget costs
July 2018	Procurement tendering (4-6 weeks)
August 2018	Analyse tenders (Project Manager to conduct value engineering if necessary)
September 2018	Appoint building contractor
October 2018	Construction phase commences
March 2019	Works finish
April 2019	Building operational
June 2019	Post-project evaluation commences (3 months)

**Officer Comment:** The above table is for information only it should be noted that at present no planning application has been submitted in relation to the provision of the Doctors Surgery and Pharmacy.

#### **Emsworth Residents Association:**

The future of this site is of such great importance to the future of the town. Current Emsworth Surgery is now far too small to provide an adequate service for the growing list of its patients. It has insufficient rooms for enough doctors and nurses to consult at one time to meet demand, the space for administration and meetings is

inadequate, and there is no space to deliver modern community health services delivered by a primary care team. At times the practice struggles to be a viable unit that can attract and retain staff and partners.

A new building on the Redland's Grange site would be large enough to provide services for the current patients, and crucially would be capable of expansion as the population grows with the new planned developments in North Emsworth. It will also have parking for patients and staff, and space could also be built for community health services if funding was available later.

A general practice is essential for a community and as you know there have been arguments that a new surgery should be built in the centre of Emsworth. However the majority of the practice's patients already live north of the A27, and all the new planned development is in the north. It is not in anyone's long term interests to replicate the current difficulties caused by building a new surgery on another restricted site with little parking.

Many of the objections could be overcome by improving public transport between the North and the centre of Emsworth. This would not only ensure that people could get to the new surgery, but could also increase the footfall in the centre which is so important to the future of Emsworth.

The doctors in the Emsworth Surgery have been involved in endless meetings with various NHS bodies over a number of years, while also having to do the day job. They have been caught up in the fragmentation and underfunding the NHS, with no fault of their own. They need to be supported by the community and by their local council.

It is essential that the application from Bellway Homes to remove or vary the Section 106 requirement that the Redlands Grange site should be used for a surgery should be rejected. The doctors should be given another two years to prepare plans and obtain NHS funding for the new surgery that the people of Emsworth so badly need.

### **Third Party Objections:**

If the words "to discharge their obligation" means that the developers, Bellway and Bloor, no longer need to provide the surgery then I strongly object.

I was involved, as a member of the public, in the Hampshire Farm planning process from the beginning. At an early stage the developers offered to build the Doctors surgery, possibly as an incentive to encourage the granting of granted planning permission. Also, (and here I am not sure of my facts), I understood that when planning permission was given that they were obliged to build the surgery, if requested, within a certain number of years.

I re-iterate. If the developers will not fulfil their original promise then this application should be rejected, hence forcing them to build the surgery.

As every day passes with increasing local population the need for local doctors facilities increases I therefore object to the proposal that this application be allowed to discharge its obligations to provide such facilities.

This application should therefore be rejected.



## 6.2 Support:

### Third Party:

I support the application by the developer to be discharged from the responsibility of holding the land for a doctor's surgery to cover both Westbourne and Emsworth.

There are already surgeries in Westbourne and Emsworth and most people surrounding Redlands Grange will be situated fairly close to one of them.

The site is not large enough to accommodate a combined, large surgery with the necessary car parking, bus stops and it will create a great deal of traffic because most people from south Emsworth will have to travel to Redlands Grange for doctor's services.

I CAN see a community use perhaps for a new surgery to replace the local Westbourne surgery and an additional service such as a nursery both of which will be the correct size for the site and would not create the traffic problems of a centralised surgery. This proposition would also allow the building to stay as a single storey rather than a two storey building.

## 7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) The principle of the variation of the S106 legal agreement requirements
- (ii) Whether the requirements of the S106 legal agreement are still considered to serve a useful purpose
- (iii) If so what is the appropriate way of securing these requirements and determining the three applications for Deeds of Variation to the S016 Agreement (as amended)

7.2 (i) The principle of the variation of the S106 legal agreement requirements

The applications relate to the S106 Legal agreement (as varied) associated with planning application Reference: 10/74014/000 for *Outline application for demolition of existing dwelling and erection of 280No. residential dwellings, doctors surgery and pharmacy with associated parking and landscaping, improvements to roundabout, and realignment of southern section of Redlands Lane to provide access and provision of public open space with parking, landscaping and construction of balancing pond with some matters reserved.*

7.3 The S106 dated 12th May 2011 and as varied in particular by Deed of Variation dated 19th October 2017 includes within the Third Schedule The Owner's Covenants with the Council which state:

### Community Facilities

**2 The Owner and/or the Developer covenants and agrees:**

**2.1 Prior to expiry of 28 days after completion of the last Dwelling to provide and lay out the Community Facilities Land and to the Council's satisfaction for**

**the purpose of accommodating the Community Facilities (council acknowledging that the same shall be used in the interim as a construction compound)**

**2.2 shall prior to 1 December 2017 use all commercially reasonable endeavours to procure that the Community Facilities are provided on the Community Facilities Land**

**2.3 In the event that the Community Facilities shall not have been provided by 1 December 2017 then and in that event to transfer the Community Facilities Land to the Council for use for Community Use at nil cost to the Council within 56 days of the expiry of that said period in accordance with the provisions of the Seventh Schedule Part 11.**

7.4 The definitions relevant to these clauses in the S106 Agreement are as follows:

**Community Facilities:** Means the provision of a doctors surgery and pharmacy as shall be agreed with the local planning authority, as provided in paragraph 2 of the third schedule.

**Community Use:** Means a use falling within Use Class D1 non residential institutions.

**Community Facilities Land:** Means the site of the Communities Facilities shown for identification purposes only hatched black on Plan 2 and referred to in paragraph 2 of the Third Schedule.

**Officer Comment:** The land is shown at **Appendix C** of this report.

7.5 In relation to the planning history for the wider development it is important to consider the background to the proposal for a Doctors Surgery and Pharmacy in association with the Hampshire Farm development.

7.6 The Outline Planning Permission reference 10/74014/000 included '*doctors surgery and pharmacy*' within the description of the proposed development. In addition the Illustrative Site Layout showed '*Proposed Doctors Surgery Building and Associated Parking 54 spaces.*'.

7.7 The Officers report to Development Management Committee on the 18th November 2010 stated the following in relation to Community/Health Facilities:

*(xi) Community/Health Facilities*

*Health Provision*

*7.86 The proposal includes the provision of a Doctors Surgery and Pharmacy. The Doctors Surgery would be located at the entrance to the site. A total of 54 parking spaces would be provided for the Surgery with appropriate disabled spaces. Saved Policy CS1 of the HBDWLP 1996-2011 which forms part of the HBLDF states that buildings for community use will be permitted where a need has been identified or where development would improve existing provision. Local Surgeries exist in the centre of Emsworth (1.6km to the south of the site) and at Westbourne (0.7km to the east), neither of which are modern facilities, and the Emsworth Surgery is overcrowded and in need of refurbishment. The proposed development would increase the catchment population of the existing Emsworth/Westbourne surgeries by approximately 616 patients.*

7.87 The Council has consulted NHS Hampshire on the proposal and their comments are set out in full above. The additional demand arising from the proposed development gives rise to a need for additional GP workforce equating to 3-4 sessions a week. The Primary Care medical facilities in Emsworth are currently under review by NHS Hampshire with the existing Emsworth GP practice looking to develop their premises to increase to capacity care for existing local residents. NHS Hampshire support the proposal but have reiterated that although there is a potential for a GP Practice within Emsworth to relocate to this site, there has been no approval for such a scheme or a new pharmacy at this time. There is no objection by NHS Hampshire and in planning terms to the proposal as there is a proven need for the development and as such the development accords with saved Policy CS1 of the HBDWLP 1996-2011 which forms part of the HBLDF. Provision of this part of the site for the facility would be included within the Section 106 Agreement.

7.88 The scale, layout and design of the Doctor's Surgery would be agreed at the reserved matters stage.

7.8 NHS Hampshire at the time of the original Outline Planning Permission stated:

NHS Hampshire

280 dwellings at the proposed development would equate to potentially 616 new patients requiring primary care services and giving rise to a need for additional GP workforce for 3-4 sessions per week with associated ancillary and nursing staff. The Primary Care medical facilities in Emsworth are currently under review with the GP practice looking to develop their premises to increase capacity to care for existing local residents. The potential additional population would create an increased pressure on the Primary Care medical premises within the area. The most local surgery to the proposed development has restricted accommodation with difficulty complying with DDA in their Listed Building.

NHS Hampshire would like to support the practice with their aspirations to develop their premises. The practice has been in negotiation with the developer to gain some benefit from the proposed development which the PCT would support if the GP practice were enabled to develop their premises with a cost neutral scheme.

Therefore NHS Hampshire would like to request a Section 106 financial contribution to facilitate premises development within Emsworth, as the current premise will not be able to support the additional levels of services required. I would like to reiterate that although there is potential for a GP Practice within Emsworth to relocate to this site, there has been no approval for such a scheme at this present time.

7.9 Appendix B to the officers report to Committee included Heads of Terms for the S106 Agreement including:

*Provision of Health centre*

- Agreement on the provision of land for the proposed doctor's surgery and pharmacy within an identified timeframe.

7.10 The minutes to the Committee consideration state that Mr Hawthorne (Linden Homes) commented in relation to the Doctors Surgery that 'The application was in accordance with the Council's policies and the doctors' surgery had been provided in accordance with the development brief.'

7.11 In an addendum item to the Committee issued 22nd November 2010 from WYG

(applicants agents) it was confirmed that:

**Doctors Surgery:** *As stated at the committee the plans as submitted are fully in line with the Doctor's aspirations for a new surgery and have the support of the Hampshire NHS PCT (a single entity). As stated at the committee, this is the planning stage of the process and we are planning to make sure that we provide for the Doctor's requirements. It is important to state that these plans are not limited to the space necessary to rectify the existing and accepted deficiencies in provision but also to do precisely what Councillors appeared to question ie they improve upon existing facilities so that a wider range of NHS services can be provided including those that may currently only available at QA Hospital or other more distant clinics.*

*The situation in terms of delivering the surgery is complicated. As we understand matters, having consulted the NHS Surveyor, there is currently no additional funding to support an increase in the rents paid by the PCT to surgeries. At present Linden Homes are looking to provide the land and to build the surgery and lease it to the Doctors and will need to factor in the available funding levels as part of these negotiations. However, despite the site allocation policy only requiring Linden Homes to explore the provision of a surgery they have agreed to honour the promise they have made since the last Local Plan Inquiry and throughout this application: to plan for the new surgery. There exist draft heads of terms for an agreement with the Doctors in line with what we believe will facilitate the new surgery. Officers have informed us that in similar circumstances other authorities have requested a clause in a S106 that the land in question be reserved for this use for a period of 7 years to prevent it coming forward for any other use. I recall Councillors mentioning that, elsewhere, it had taken four years to complete the process. Linden Homes are committed to honouring their promise and working with the Doctors and Hampshire NHS PCT to deliver this surgery and therefore I am pleased to confirm that we are happy for such a clause to be included in the S106.*

- 7.12 The subsequent application for Reserved matters APP/11/01089 excluded the Doctors Surgery stating on the approved Residential Site Layout: *Doctors Surgery Site Subject to Separate Reserved Matters Planning Application*. The Officer report to the Development Management Committee commented on this as follows:

*The issue of the Doctors Surgery is not a matter for consideration at this stage (it does not form part of this application), however the Section 106 legal agreement with the outline planning permission offers a robust mechanism for what would happen in the event the surgery is not brought forward.*

- 7.13 As stated above the requirements in relation to the provision of a Doctors Surgery and Pharmacy were secured via the S106 Agreement dated 12th May 2011.

- 7.14 Under Section 106A of the Town and Country Planning Act 1990 it is possible for an applicant to seek to vary the terms of a S106 Agreement. Where such an application is made to an authority the authority may determine:

(a) that the planning obligation shall continue to have effect without modification;

- (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
  - (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 7.15 If such an application is refused and the S106 remains un-modified the applicant has a right of appeal to the Secretary of State.
- (ii) Whether the requirements of the S106 legal agreement are still considered to serve a useful purpose
- 7.16 The S106 Agreement was entered into by the Parties prior to the determination of the outline planning permission 10/74014/000 and the provision of a Doctors Surgery and Pharmacy formed part of the approved description of the development. As set out above at the time of the determination of the planning application the legal agreement requirements to secure this provision served a useful purpose.
- 7.17 The applicants have stated that it is their clients position in relation to **Application 1** that the obligation to deliver the Community Facilities is unreasonable and there is not any valid reason to require this in planning terms. In support of this position the agent states that the obligation is not supported by any planning policy that applied at the time the outline application was determined, or any applicable planning policies today. Further to this, the obligation was not required to make the planning application acceptable or to mitigate a specific impact identified as arising from the development.
- 7.18 Whilst it is not considered to be appropriate to re-assess the determination of the original application in detail, it is clear, as set out above that the S106 requirements were fully considered and justified in the Development Management Committee Report and subsequent addendum's and minutes. The S106 agreement was entered into and the planning permission subsequently issued. The comments from the Councils Policy Section and on behalf of Primary Care Surveyors demonstrate the ongoing need for the Community Facilities.
- 7.19 The agent has reviewed NHS choices website and states that 9 out of 10 of the nearest GP surgeries to Hampshire Farm are currently accepting new patients and this does not therefore suggest there is a shortfall in the availability of doctors within the locality which would require the provision of a new doctors surgery on the Hampshire Farm Site. It is also stated that Hampshire Farm has already been completed and residents have been able to register with other surgeries and therefore there is no need to provide a new doctors surgery on the Hampshire Farm site to meet the needs of the occupants. Whilst there is the possibility of further residential development in Emsworth in the future, it is not considered appropriate to expect the Hampshire Farm site to provide any additional GP services that may be required as a result of this potential future development which may not come forward. The requirement for the provision of a doctors surgery should only be assessed against the needs of the site itself and any additional pressure it may put on existing services but this has not been demonstrated and residents have been easily accommodated by the current level of GP services in the local area.
- 7.20 During the course of the consideration of the three applications the requirements or otherwise for these facilities have been considered further and this consideration is also linked to the wider infrastructure review taking place in relation to the Havant Borough Local Plan 2036.

- 7.21 As set out in part 5 and 6 of this report, Planning Policy and the Primary Care Surveyors (appointed by the doctors of Emsworth Surgery) have provided detailed comments in relation to the proposed doctors surgery. These essentially confirm the inadequate nature of the existing Emsworth Surgery site due to the nature and size of the premises. They confirm that the Emsworth Surgery is operating at or above capacity with the Primary Care Surveyors stating that Emsworth Surgery is a partnership of 7 doctors with a non-weighted patient list size of 12,745 (December 2017). With a Full-Time Equivalent GP count of 5.75, this represents a ratio of 2,216 patients per GP. The upper limit for the GP/patient ratio in England is 1,800 patients per GP putting Emsworth Surgery far beyond the upper limit. It should be noted that this is before further planned development in the area highlighted by the Planning Policy consultation response.
- 7.22 The Primary Care Surveyors comment in relation to taking on new patients that *GP practices are obliged to accept new patients, unless there are reasonable grounds to refuse doing so which must be provided in writing and can include the practice having no capacity to take new patients. With 2,216 registered patients per GP, Emsworth Surgery is already operating at above capacity and would be justified in refusing to accept new patient registrations, however, this would not be in the interests of best practice nor the patient population of Emsworth, so it is not a measure the practice has decided to take, despite being in premises significantly undersized for the patient list.*
- 7.23 It is clear from the Primary Care Surveyors comments that the Emsworth Surgery are actively pursuing a relocation to the site at Hampshire Farm, they state that South Eastern Hampshire Clinical Commissioning Group has also identified that the scheme is consistent with its clinical strategy and is its second priority for capital investment in the whole of South East Hampshire. All other options explored by the practice for the relocation or siting of a new medical centre have been acknowledged by the CCG as being either unviable or undeliverable.
- 7.24 It is considered that the originally negotiated S106 Agreement associated with the outline planning permission 10/74014/000 in relation to the Community Facilities continues to serve a useful purpose as set out above.
- (iii) If so what is the appropriate way of securing these requirements and determining the three applications for Deeds of Variation to the S016 Agreement (as amended)
- 7.25 Given that the original S106 Community Facilities clauses are considered to continue to serve a useful purpose it is necessary to consider the impact of the proposed applications for Variation of the Section 106.
- 7.26 The effective 'fall back position' in relation to the provision of the Community Facilities is provided in the S106 agreement Third Schedule at paragraph 2.3, this states:
- In the event that the Community Facilities shall not have been provided by 1 December 2017 then and in that event to transfer the Community Facilities Land to the Council for use for Community Use at nil cost to the Council within 56 days of the expiry of that said period in accordance with the provisions of the Seventh Schedule Part 11.*

**Application No1. Ref: 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).

- 7.27 The effect of this variation would be to remove any obligations imposed by the S106 Agreement on the land. Therefore there would be no requirement to either:
1. Provide and lay out the Community Facilities Land for the purpose of providing the Community Facilities (Doctors Surgery and Pharmacy)
  2. Transfer the Community Facilities Land to the Council for use for use for Community Use (Use falling within Use Class D1 non residential institutions)
- 7.28 Given the assessment above in relation to the ongoing need for Community Facilities and the 'fall back position' incorporated into the Legal Agreement where the land reverts to the Council for a Community Use which could include a Doctors Surgery and Pharmacy, it is not considered that the removal of the relevant S106 requirements can be supported.

**Application No.2. Ref: 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.

- 7.29 The effect of this variation would be to extend period of time for the applicant to meet the relevant requirements of the S106 agreement to allow for a further 2 year period.
- 7.30 The applicants agent has stated that if the Local Planning Authority takes the view that the Community Facility are indeed still required, Application 2 seeks to agree an extended period of two years to allow additional time for a suitable occupier to be secured and details efforts made to progress matters with Emsworth Surgery, however these had proven to be unproductive. Matters changed in June 2017 when, upon submission of the second Deed of Variation request Bellway Homes and Bloor Homes were approached by the Primary Care Surveyors who advised Hampshire Farm site had emerged as the preferred site for the replacement surgery. Since June 2017, meetings have taken place and a draft contract has now been agreed between the relevant parties. Due diligence has been undertaken and an application to the NHS Estates and Technology Transformation Funding has been agreed in principle subject to contract and valuation. At present, the process is being held up by an outstanding financial appraisal being prepared by the District Valuer with more time required to complete this process.
- 7.31 Whilst the requirements of the provision of the Community Facilities are no doubt complex and subject to detailed procurement processes for the NHS and Emsworth Surgery, the period of time allowed for the relevant requirements of the S106 have been previously extended under application APP/17/00300 until 1st December 2017. This extension of time was considered to be a reasonable additional period of time.
- 7.32 Given that the requirements in relation to the Community Facilities have still not been realised beyond the extended period of time, that the clauses continue to serve a useful purpose which it is considered could not be served equally well with this modification and that the S106 includes within it the clause where the land is required to be transferred to the Council for Community Use the further extension of the compliance period is not considered to be necessary or acceptable.

### **Application No.3. Ref: 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.

- 7.33 This application seeks to extend the range of Community Facilities that could be provided at the site and to seek a further two year period to secure their provision.
- 7.34 The applicants agent whilst recognising that the Emsworth Surgery may wish to relocate to Hampshire Farm (and discussions are ongoing) it is not definite that they wish to and are able to relocate to the Hampshire Farm site. There has also been interest expressed in relation to a children's nursery (a potential requirement in Emsworth identified in the Councils Draft Infrastructure Delivery Plan Dec 2017).
- 7.35 The Primary Care Surveyors working for the surgery set out their position in detail in part 6 of this report and this indicates that this is clearly the preferred site and that they are working closely with the CCG to secure the necessary agreements to enable this to happen.
- 7.36 The original consent clearly anticipated the provision of a Doctors Surgery and Pharmacy on the Hampshire Farm site, as set out above and there is every indication that this is moving towards being secured. This aspiration could be harmed by the widening of the definition of Community Facilities to include any D1 use in a situation where the land owner may be looking to secure a greater financial return from an alternative use, potentially less widely beneficial to the public.
- 7.37 It is recognised that the transfer of the Community Facilities land to the Council as required by clause 2.3 would allow for a Community Use (a use falling within Use Class D1 non residential institutions), however, the transfer would allow the Council to exercise control over the use. Therefore the use of the land for a Doctors Surgery and Pharmacy could still be set as a preferred option as originally envisaged and as supported in the Planning Policy consultation response in part 5 of this report.
- 7.38 In relation to Application 3 it is considered that the original relevant clauses in relation to the S106 agreement continue to serve a useful purpose and that these could not be served equally well with the proposed modifications.

## **8 Conclusion**

- 8.1 In conclusion, it is considered that the existing S106 requirements which were agreed to and signed in relation to the original planning permission continue to serve a useful purpose which would not be equally well served by the proposed Deeds of Variation as they would result in increased uncertainty and be harmful to the clear requirements of the original S106 agreement.
- 8.2 The Council are considered to have acted reasonably in extending the original timescales for the relevant parts of the S106 Agreement and the land transfer. It is now considered that the requirements of the agreement should be pursued with the Council taking control to make this happen as was expected in the original S106 agreement. It is recommended that the three applications seeking to vary the S106 Agreement are refused as set out below.



- 8.3 Subject to the Committee's decision, and given the content of this report, it is further recommended that 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. The reason being failure to comply with the s106 Legal Agreement in relation to the provision of the doctor's surgery (despite completing a Deed of Variation extending the original time for delivery by 6 months).
- 

## 9 RECOMMENDATION:

### Application 1

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00120 in relation to the Deed of Variation

(A) for the following 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.

### Application 2

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00121 in relation to the Deed of Variation

(A) for the following 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

### Application 3

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00122 in relation to the Deed of Variation

(A) for the following 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

**Forth Recommendation:**

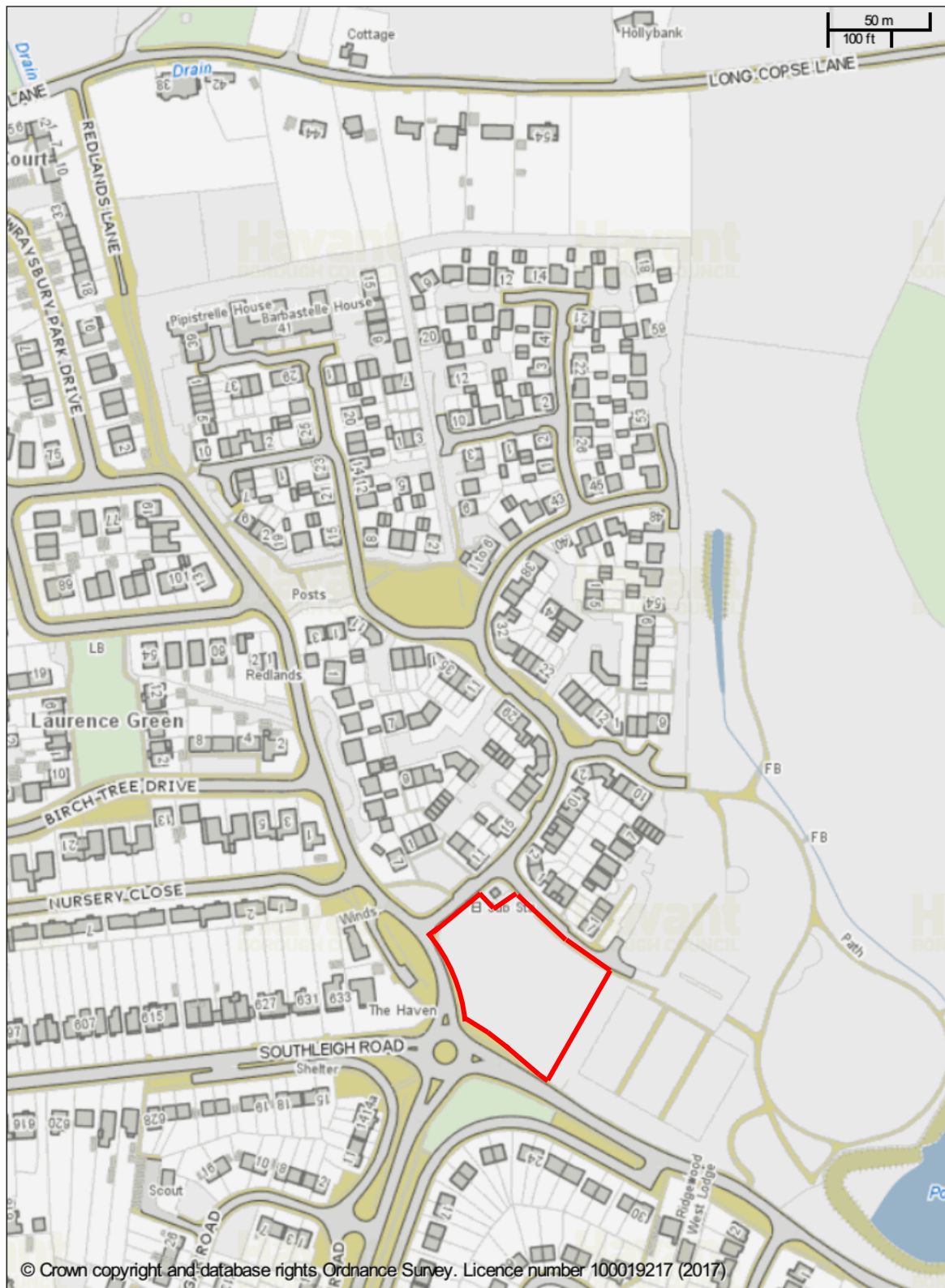
That the Council's Head of Legal Services be instructed to take all legal steps required to ensure the transfer of the land to the Council as set out in the S106 Legal Agreement.

Appendices:

Appendix A: Location Plan

Appendix B: Community Facilities Land Plan

Appendix C: S106 Community Facilities Plan



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Land at Hampshire Farm  
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Site Address:	38-44 London Road, Purbrook, Waterloo, PO7 5LJ		
Proposal:	Variation of Condition 2 of Planning Permission APP/17/01141 relating to 2No. 1bed and 1No. 2bed units within approved roof space.		
Application No:	APP/18/00385	Expiry Date:	11/07/2018
Applicant:	Mr Paull McCarthy & Stone Retirement Lifestyles Ltd		
Agent:	Mr Bendinelli McCarthy & Stone Retirement Lifestyles Ltd	Case Officer:	Rachael McMurray
Ward:	Purbrook		

Reason for Committee Consideration: At the request of Councillor Hughes

HDS Recommendation: **GRANT PERMISSION**

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## **Executive Summary**

The site subject to this application was first granted planning permission via an allowed appeal in 2016 for the erection of 42no. units. A further application (APP/17/01141) was submitted in 2017 for 43no.units and a relocation of the access into the site from London Road to Stakes Road. This scheme secured a contribution towards affordable housing of £50,000.

The current application is for an increase of 3no. units bringing the total to 46no. units. These would be located at second floor level of the development by increasing the roof height of certain parts of the roof. The overall height would not increase. There will be an increased contribution towards affordable housing of £54,000 and a further contribution towards the Solent Recreation Mitigation Scheme would be secured, along with a further CIL liability.

No further car parking is being proposed for the additional units and therefore, the total number of spaces would still be 32 for 46no. units. This would equate to 0.69 spaces per unit. The previously agreed ratio was 0.74 spaces per unit. The 0.69 parking ratio has been previously agreed at another recent McCarthy and Stone development in Hayling Island (APP/16/00568).

Overall, it is considered that the proposed revisions are considered to result in minor changes to the scale of the scheme overall and would not harm the character of the development or the visual amenity of the locality. Whilst the parking provision would not be increased, the ratio would be the same as a previously approved application in a similar sustainable location with access to local facilities, thereby allowing residents to be less dependent on a vehicle. Overall the proposal is considered to be acceptable and in accordance with the relevant policies of the Local Plan and is, therefore, recommended for approval.

## **1 Site Description**

1.1 The site is located on the corner of London Road and Stakes Road within the Purbook Local Centre (as defined in the adopted Havant Borough Local Plan (Allocations)) and adjacent to the St Johns Conservation Area. The site 0.39ha in area. There is a slight downward slope in levels from the north to the south of the site.

- 1.2 The site was previously occupied by several commercial / industrial uses however, following a previous appeal decision in 2016 the site has permission to be redeveloped for specialist elderly housing. All the previous buildings on the site have now been demolished.
- 1.3 To the east of the site lies the Purbrook Methodist Church and Purbrook Centre. Development to the north of the site includes shops and residential properties. Development to the west includes the listed St Johns Church and church yard, which are situated within the St Johns Conservation Area. The boundary is marked by an attractive low-level flint wall. South of this is another flint work building in operation as a nursery and south of this is a small industrial unit. To the south of the site is a row of local shops, then a terrace of properties and then another row of shops, all of which are included in the boundary of the designated local centre.

## **2 Planning History**

### APP/15/00896

Demotion of existing and redevelopment to form 42No. retirement apartments for older persons including communal facilities, parking provision and associated landscaping; and 2No. commercial/retail units. Refused under delegated powers on 11/12/16

An appeal (REF – APP/X1735/W/16/3145929) was considered by Informal Hearing in August 2016. The appeal was allowed on 25 August 2016. The Inspector accepted the loss of the former business uses on the site as a result of the Council's lack of five-year housing supply.

### APP/17/01141

Construction of 43no. retirement apartments for older persons including communal facilities, parking, associated landscaping with access from Stakes Road and 2no. commercial/retail units fronting onto London Road. Revised scheme from Planning Permission APP/15/00896 (21.12.17). Approved under delegated powers on 21/12/17.

Request to Discharge Condition No's 3,5,6,7,8,9,10,13,14,15,16 and 17  
Approved on 9/3/18.

## **3 Proposal**

- 3.1 Variation of Condition 2 of Planning Permission APP/17/01141 relating to the increase of 43no. units to 46no. units including 2No. 1bed and 1No. 2bed units at second floor level. The total increase in floor space would be 172.8sqm.
- 3.2 The agent has advised in a covering letter that the reason for the additional units, is for the scheme to be more financially viable given the additional build costs which have increased since the scheme was first granted planning permission (via an appeal decision) in 2016.
- 3.3 Also a recent government ruling (which is yet to go through Parliament) means that flatted developments such as this would not be able to charge ground rent. This income was

initially factored in to the scheme and the potential loss of this could risk the scheme becoming financially unviable to deliver.

- 3.4 The general layout of the site would remain the same as the scheme approved under APP/17/01141 in terms of the access from Stakes Hill Road and the position of the building in relation to the site boundaries. The site would retain 32no. parking spaces, plus a buggy/cycle store. With 46no. units this equates to 0.69 spaces per unit compared to the previously agreed 0.74 spaces per unit for 43no. units.
- 3.5 A S106 agreement has been signed and agreed for Planning Permission APP/17/01141 which secured contributions towards affordable housing, the Solent Recreation Mitigation Scheme (SRMS) and a Traffic Regulation Order (TRO). Alterations to this agreement, by means of increased contributions for affordable housing and SRMS would be via deed of variation to the legal agreement.

#### **4 Policy Considerations**

National Planning Policy Framework  
Havant Borough Council Borough Design Guide SPD December 2011  
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS2 – Employment

CS9- Housing

CS11 – Protecting and Enhancing the Special Environment of the Borough

CS14 – Efficient use of Resources

CS16 – High Quality Design

CS17 – Concentration of Development with Urban Areas

DM7 – Elderly and Specialist Housing Provision

DM13 – Parking (residential)

Havant Borough Local Plan (Allocations) July 2014

AL1 – Presumption in Favour of Sustainable Development

AL3 – Town, District and Local Centres

DM20 – Historic Assets

Listed Building Grade: N/A

Conservation Area: Adjacent – St Johns

#### **5 Statutory and Non-Statutory Consultations**

##### **Arboriculturalist**

No objections

##### **Conservation Officer, Development Control**

No objections

##### **County Archaeologist**

No objections

##### **County Ecologist**

No objections

**Developer Services, Southern Water**

No objections

**Environmental Health**

No objections

**Hampshire Fire & Rescue**

No objections

**Highways Engineer, Development Engineer**

No objections

**Housing**

The method used to calculate the new contribution towards affordable housing figure of £54,000 is agreed and accepted.

**Landscape Team, Havant Borough Council**

No objections

**Local Lead Flood Authority HCC**

Further drainage calculations are required.

*Officer note* - the condition relating to drainage has already been discharged and therefore this condition would not be reapplied.

**Planning Policy**

No policy comments.

**Traffic Management**

No objections

**Waste Services Manager**

No objections

**6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 54

Number of site notices: Not applicable.

Statutory advertisement: 27/04/2018

Number of representations received: 0

**7 Planning Considerations**

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- (i) Principle of development
  - (ii) Impact upon the character and appearance of the area
  - (iii) Impact upon residential amenity
- (i) Principle of development
- 7.2 The principle of redevelopment of the site to residential (specialist elderly housing) has been accepted through the granting of Planning Permission APP/17/01141. As such the application is considered to be acceptable subject to the usual development control criteria.
- 7.3 Policy CS9(2) of the Core Strategy requires the provision of affordable housing either on site or a contribution in lieu of. A sum of £50,000 was secured on the existing planning permission towards affordable housing and the application is proposing that this is increased to £54,000 by way of a variation to the existing legal agreement. However, a full viability assessment has not been submitted.
- 7.4 Whilst in theory, a revised viability assessment could test whether more money could be available towards affordable housing. However, the increased contribution amount is based on the previous build costs and these have undoubtedly increased since 2016. Therefore, a revised viability assessment may conclude that there is less or no funds available for an affordable housing contribution. The Council's Housing Manager has been consulted and is satisfied with the increased amount and the justification. It is proposed that the increased sum would be incorporated into the Planning Obligation via a deed of variation in substitution of the current wording.
- (ii) Impact upon the character and appearance of the area
- 7.5 The application is proposing alterations to the approved design to facilitate a further 3no. units within the development, at second floor level. This would involve the raising of the ridge height on three sections of the building by 1m and the inclusion of dormer windows and a further balcony on the rear / courtyard elevation. However, these would be on sections of the roof which are already set down lower than the higher parts so overall, the maximum height of the building as approved, would not increase. The amended roof sections would be on the west elevation (fronting London Road) over the retail unit. Also on the north elevation (fronting Stakes Road) on the north-east corner.
- 7.6 Overall the alterations to the scale and massing of the building are considered to be minor when viewing the building in context of the streetscene. The increased roof heights would be no higher than the already approved ridge height of the building and matching materials would be used. Overall the alterations would form a cohesive flow with the existing design. When read in elevation, the increased roof scape is generally suitably convincing. As a piece of townscape, it would still knit in well with the largely domestic scale of the adjoining development. The form, scale rhythm and articulation of the elevations works well in breaking down the mass of the building. Overall, the development results in a positive street frontage and therefore accords with Policy CS16 of the Local Plan.

- 7.7 The site is directly opposite the St Johns Conservation Area, including St Johns Church which is a Grade II listed building and the adjoining church yard. St Johns Church and its associated buildings and boundary treatments, are characterised by attractive flint work and include a low flint wall which extends along London Road. There are other buildings of historic character along each side of the road which reflects the historical character of the immediate locality.
- 7.8 Paragraph 132 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also goes on to state that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 provides guidance in relation to development proposals that cause 'substantial harm'. While, paragraph 134 of the National Planning Policy states that where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.9 With regards to local planning policy, Policy CS11 of the Core Strategy states that planning permission will be granted for development that, 'Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest'.
- 7.10 Policy CP16 (1a) of the Core Strategy states: 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design: Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site. Policy DM20 of the Allocations Plan states that development proposals must conserve and enhance the historic assets of Havant.

Paragraph 64 (Section 7 – Requiring Good Design) is also particularly relevant to this case in that development should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Given its proximity to the conservation area, the development, even with the proposed alterations, has been designed with this as a major consideration and makes use of a traditional building form and high-quality materials and detailing. It is considered that overall the development including the proposed alterations would enhance the setting of the conservation area and overall streetscene by providing a high-quality design. The proposal therefore accords with Policy CS11 and CS16 of the Local Plan.

(iii) Impact upon residential amenity

- 7.11 It considered that the proposed alterations to the roof to allow for the additional units would have a limited and negligible impact on the nearby residential amenity. All other nearby residential development is considered to be far enough in distance so as not be adversely affected by the proposed development either visually or in terms of marginally increased

activity generated by the site. Overall the proposal is considered to be in accordance with Policy CS16 of the Local Plan.

(iv) Highways and Parking considerations

- 7.12 No further car parking is being proposed for the additional units. Therefore, the total number of spaces would still be 32 for 46no. units. This would equate to 0.69 spaces per unit. The previously agreed ratio was 0.74 spaces per unit. The 0.69 parking ratio has been previously agreed at another recent McCarthy and Stone development in Hayling Island (APP/16/00568). This site is in a similar location to the application site being in a local centre as defined by the Local Plan and also being served by a main bus route and also close by to convenience shops and local services.
- 7.13 Therefore, with the above permission in mind and recognising the sustainable location of the development site adjacent to a District Centre and with options for alternative modes of transport in the form of a regular bus service, it is considered that the reduced level of car parking proposed for the scheme is acceptable. The base permission also contains an age restriction condition included on any decision and the parking spaces to be conditioned to remain unallocated, (in order to maximise the flexibility of their use).
- 7.14 Furthermore, within the existing permission APP/17/01141, funds have been secured via the means of a legal agreement for a Traffic Regulation Order if required on the surrounding highway network for unsafe and unrestricted parking, if it becomes an issue.

(v) Ecology

- 7.15 With regard to the impact on the Solent Special Protection Area, the additional proposed units would further increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice with regard to all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA requires a payment of £1239.05 to the Solent Recreation Mitigation Scheme (SRMS). This is in addition to the SRMS contribution secured under APP/17/01141. This would be secured via deed of variation to the existing legal agreement.

(vi) Other matters

- 7.16 The application would be liable for a further Community Infrastructure Levy (CIL) based on the additional floorspace being proposed. This amounts to £18,637.71 and would be in addition to the £284,586 secured under APP/17/01141. Total CIL therefore would be £303,223.71. This is in addition to the increased SRMS and affordable housing contributions.

## **8 Conclusion**

The proposed revisions are considered to result in minor changes to the scale of the scheme overall and would not harm the character of the development or the visual amenity of the locality. Whilst the parking provision would not be increased, the ratio would be similar to a previously approved application in a similar sustainable location with access to

local facilities, thereby allowing residents to be less dependent on a vehicle. Overall the proposal is considered to be acceptable and in accordance with the relevant policies of the Local Plan and is therefore recommended for approval.

## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00385 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:  
  
Site and Ground Floor Plan - DN: AC 200 REV Q  
GF Plan - DN: AC 210 REV K  
FF Plan - DN: AC 211 REV J  
SF Plan - DN: AC 212 REV J  
Roof Plan - DN: AC 213 REV G  
Proposed Elevations North and West - DN: AC 220 REV H  
Proposed Elevations East and South - DN: AC 221 REV J  
Proposed Elevations Courtyard - DN: AC 222 REV H  
Proposed Streetscene - DN: AC 225 REV E  
**Reason:** - To ensure provision of a satisfactory development.
- 3 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 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.
- 4 The development shall be carried out in strict accordance with the agreed acoustic report prepared by Parsons Brinkerhoff dated May 2017.  
**Reason:** in the interests of the amenity of the nearby locality and having due regard to Policy DM13 of the Havant Borough Local Plan (Core Strategy 2011) and the National Planning Policy Framework 2012.

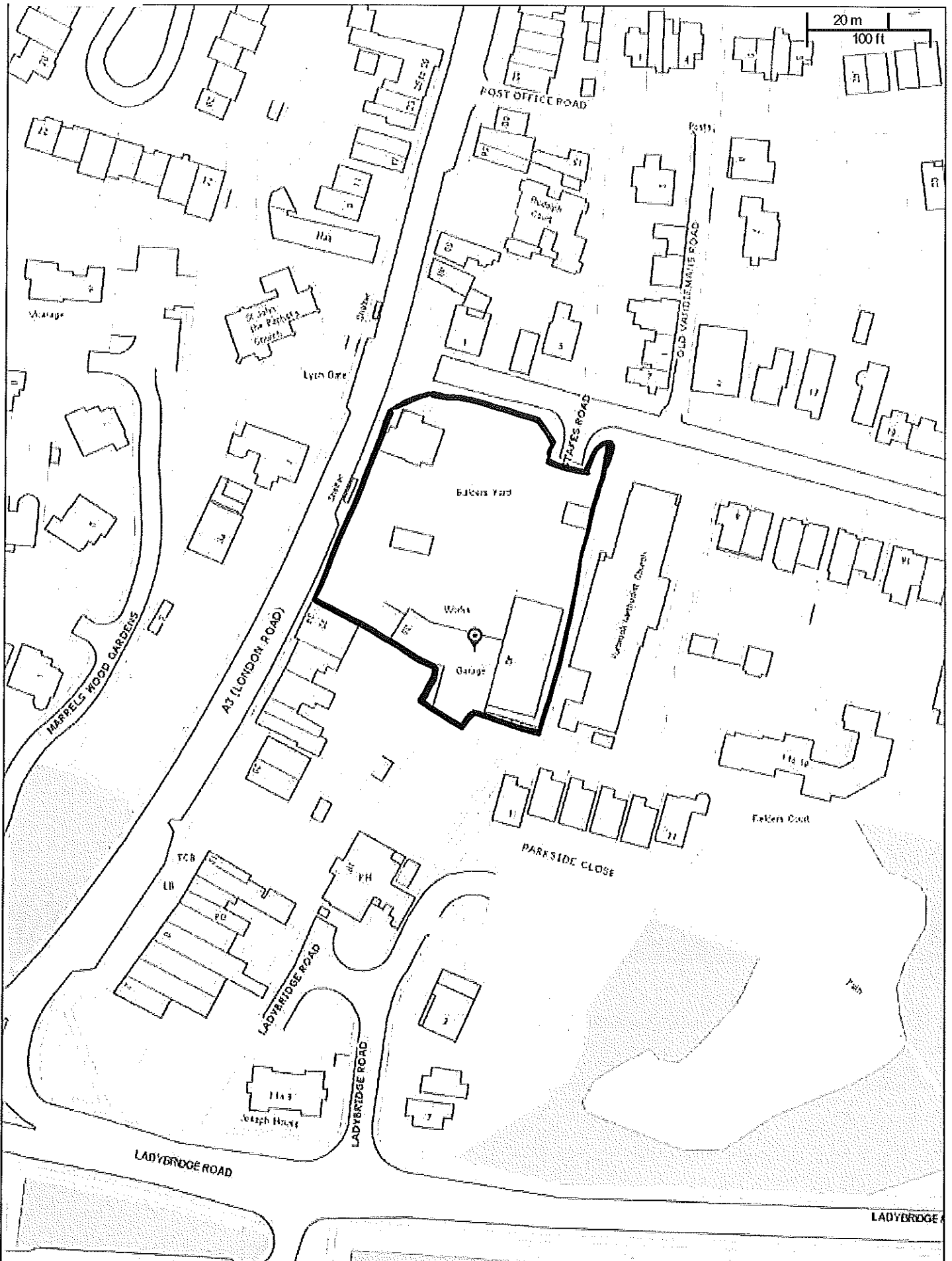
Appendices:

- A - Location
- B - Site Plan
- C - Elevations 1
- D - Elevations 2



E - Elevations 3  
F - Roof Plan  
G - Second Floor Plan

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38-44 London Road, Purbrook, Waterlooville, PO7 5LJ APP/18/00385

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West Elevation (London Road)



North Elevation (Stakes Road)

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East Elevation (Footpath)



South Elevation

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North Elevation (Courtyard)



South Elevation (Courtyard)

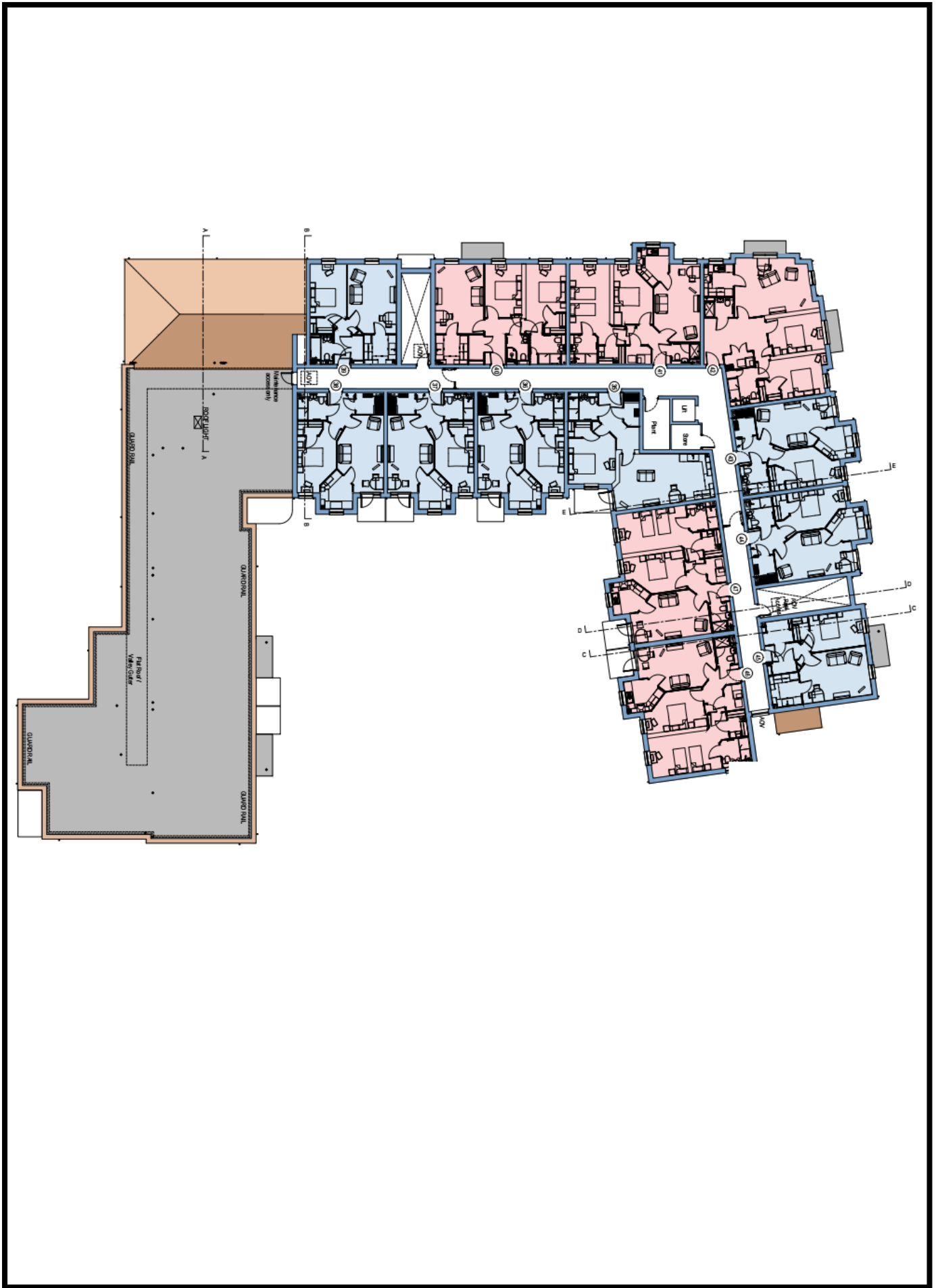


East Elevation (Courtyard)

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