

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 15 October 2015

Present

Councillor Buckley (Chairman)

Councillors Hart, Heard, Keast, Satchwell, Tarrant and Patrick

48 Apologies for Absence

There were no apologies for absence.

49 Minutes

The Minutes of the meeting of the Development Management Committee held on 3 September 2015 were agreed as a correct record and signed by the Chairman.

50 Matters Arising

There were no matters arising.

51 Declarations of Interest

There were no declarations of interests.

52 Chairman's Report

The Chairman reported that:

- (a) he had attended a meeting of the Joint West of Waterlooville Major Development Area Planning Committee that morning to determine an outline application for the construction of a new electric substation to serve the recently approved extra care and nursing homes on the Wimpey site: the application was granted permission.
- (b) an application for the development of Market Parade, Havant had been validated, and
- (c) he would be attending a RTPI conference in November.

53 Matters to be Considered for Site Viewing and Deferment

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

54 Deputations

The Committee received the following deputations/representations:

- (1) Ms Aston (objector) - Application Number APP/15/00930 – 48 Hart Plain Avenue, Waterlooville (Minute 55)
- (2) Mr Pickup (applicant's agent) – Application Number APP/15/00930 – 48 Hart Plain Avenue, Waterlooville (Minute 55)
- (3) Councillor G Shimbart (ward councillor) – Application Number APP/15/00930 – 48 Hart Plain Avenue, Waterlooville (Minute 55)
- (4) Mr Lowes (applicant's agent) – Application Number APP/15/00770 – E Block, Former BAE Systems, Elletra Avenue, Waterlooville (Minute 56)

55 APP/15/00930 - 48 Hart Plain Avenue, Waterlooville, PO8 8RX

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

Proposal: Proposed new single chalet bungalow to be constructed in the rear garden of No 48 Hart Plain Avenue. Replacement garage to be constructed at the front of the existing dwelling.

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

The Committee received supplementary information, circulated prior to the meeting, which gave details of additional representations received since the agenda was published.

The Committee was addressed by the following deputees:

- (1) Ms Aston, who considered that the amendments to the scheme did not overcome the previous reasons for refusal, objected to the proposal for the following reasons:
 - (a) the proposed development would exacerbate the existing drainage problems in the area;
 - (b) the proposal was out of character with the area;
 - (c) the proposed development by reason of its size and height in relation to the proposed garden plot, would be overbearing and result in an excessive building bulk adjacent to 3 Glenmore Gardens;
 - (d) the design was unsympathetic with dwellings in Glenmore Gardens, Hart Plain Avenue and Silvester Road;

- (e) the close proximity of the development to 3 Glenmore Gardens would have a have an adverse impact on the amenities and living conditions of the occupiers of 3 Glenmore Gardens; and
 - (f) the proposal would adversely affect wildlife habitats.
- (2) Mr Pickup, the applicant's agent, who supported the application for the following reasons:
- (g) the proposal had been amended to overcome the reasons given by the Inspector for dismissing an appeal against the refusal of Application APP/14/01078 for 2 dwellings;
 - (h) the relationship with neighbouring properties had been improved with: a reduction in the number of properties; a greater separation distance from the shared boundary and 3 Glenmore Gardens; an increase in the size of gardens on the application site; and a change to the elevation of the proposed dwelling facing 3 Glenmore Gardens;
 - (i) it was intended that the trees of value would be retained: trees lost to this development would be of little or no amenity value as viewed from offsite and of limited useful life expectancy;
 - (j) the applicant was not required to fully resolve the existing drainage problems in the locality; and
 - (k) the applicant would welcome any suggestions to encourage wildlife on the application site.
- (3) Councillor G Shimbart raised the following issues:
- (l) the changes did not sufficiently overcome the objections to the previous scheme and the occupiers of neighbouring properties in Glenmore Gardens, Hart Plain Avenue and Silvester Road would be adversely affected;
 - (m) the ecology and biodiversity surveys submitted appeared to be out of date;
 - (n) the development would exacerbate the existing drainage problem in the area; and
 - (o) the report did not accurately report the number of objections received.

Councillor Shimbart requested that if the Committee intended to grant permission, it consider amending condition 11 to impose a height limit for the first floor window in the eastern elevation.

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

- (1) representations had been received from Hart Plain Avenue (4), Silvester Road (1) and Glenmore Gardens (3);
- (2) although the Council would not encourage garages in front of the building line, the siting of the garage in this case was considered appropriate: this view was supported by the Inspector at the appeal;
- (3) the garage was not included in the reasons for refusal of the previous scheme; and
- (4) it would be difficult to enforce a condition requiring the maintenance of the hedges to provide a vision splay at the proposed access: the Development Engineer had raised no objections to the access arrangements.

The Committee discussed this application in detail together with the views raised by the deputees. The Committee noted that the financial contribution required in respect of the Solent Recreation Mitigation Project had been secured.

RESOLVED that Application APP/15/00930 be granted permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.

Reason: To comply with 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 and Block Plans drwg.no 14A_067 001 rev D received 27 August 2015

Site Analysis drwg.no 14A_067 002 rev A received 27 August 2015

Existing and Proposed Site Plans drwg.no 14A_067 004 rev E received 27 August 2015

Proposed Layout drwg.no 14A_067 006 rev E received 27 August 2015

Proposed Ground Floor Layout drwg.no 14A_067 007 rev E received 27 August 2015

Proposed First Floor Layout drwg.no 14A_067 008 rev E received 27 August 2015

Comparison Site Sections drwg.no 14A_067 009 rev A received 27 August 2015

Proposed Elevation drwg.no 14A_067 010 rev E received 27 August 2015

Proposed Replacement Garage Elevations drwg.no 14A_067 012 rev A received 27 August 2015

Site Sections AA & BB as Proposed drwg.no 14A_067 011 rev B received 27 August 2015

John Shutler Tree Services Arboricultural Report dated 26 August 2015

Reason: - To ensure provision of a satisfactory development.

- 3 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 Measures shall be undertaken to prevent damage to existing trees throughout implementation of the development hereby approved, in accordance with the Arboricultural Report prepared by John Shutler Tree Services on 26 August 2015 and received by the Local Planning Authority on 27 August 2015. All such measures shall be undertaken and fully adhered to at all times whilst such implementation is in progress. Any such tree which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than Extra Heavy Standard when planted.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 5 Notwithstanding the requirements of Condition 6, a detailed Method Statement relating to Oak Tree 1 (as identified within the Arboricultural Report), inclusive of protection measures for encasing the trunk during construction works to protect it (boxed hoarding) and a schedule of arboricultural expert site supervision and monitoring when the access is being formed, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby approved. All approved measures shall be undertaken and fully

adhered to at all times whilst development implementation is in progress. If the tree is nevertheless seriously damaged during development, it shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than Extra Heavy Standard when planted.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 6 Measures shall be undertaken to prevent harm to biodiversity throughout implementation and occupation of the development hereby approved, in accordance with the Ecological Appraisal prepared by The Ecology Co-Op Environmental Consultants on 18 September 2014 and received by the Local Planning Authority on 27 August 2015. All such measures shall be undertaken and fully adhered to at all times whilst such implementation and occupation is in progress.

Reason: To safeguard the continued health and presence of fauna and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 7 Unless otherwise agreed in writing with the Local Planning Authority, the dwelling and garage hereby permitted shall be constructed in accordance with the external facing and roofing materials as detailed within the submitted plans.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 The development shall be constructed in accordance with the hard and soft landscaping specifications as detailed within the submitted plans. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing and soft landscaping has been completed in full accordance with that specification.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 The development hereby permitted shall not be brought into use until the means of enclosure of the site has been installed and completed in

full accordance with the specifications as detailed within the submitted plans.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 The development shall not be brought into use until the parking spaces and turning area shown on the approved drawings have been provided within the curtilage of the site and thereafter all of those spaces shall be kept available for such purposes.

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

- 11 The window at 1st floor level in the eastern elevation of the dwelling hereby approved shall:-
- (i) consist of at least two lights divided horizontally with only the top and middle lights capable of being opened, and shall be maintained in that condition at all times;
 - ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

56 APP/15/00770 - E Block, Former BAE Systems, Elettra Avenue, Waterlooville, PO7 7XS

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

Proposal: Use of the E Block building for leisure (class D2) and/or non food retails (class A1) purposes with associated car parking and other works.

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

The Committee received supplementary information, circulated prior to the meeting, which amended the recommendation set out in the report in relation to the landscaping scheme.

The Committee was addressed by the Mr Lowes, the applicant's agent, who supported the application for the following reasons:

- (1) the proposals were in accordance with the Allocations Plan and supported by officers from this Council and Hampshire County Council; and
- (2) the requirements for the Section 106 agreement were being dealt with by the applicant

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

- (1) it was not within the remit of the Council to choose the developer for this site;
- (2) the development of the site as a whole was being controlled through the Allocations Plan;
- (3) it was still possible that Block E would provide a leisure use: the adjoining Major Development Area was growing and could reach a point where businesses would be interested in providing a leisure use on this site;
- (4) it was understood that the site was still leased to BAE: it was not known when this expired;
- (5) the Lidl site was not part of this application; the Lydl application complied with the Allocations Plan;
- (6) landscaping would be controlled by a condition; and
- (7) although not part of the application, it was proposed that the footpath/cycle link to the MDA would be linked to the Lidl application.

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

RESOLVED that Application APP/15/00770 be granted permission subject to:

- (A) The completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 incorporating the following terms:
 - Travel Plan: To include implementation, monitoring and commitment to pay a monitoring fee and commuted sum to Hampshire County Council.
 - Employment and Skills Plan.

(B) The following conditions, and any others that are considered necessary (subject to such changes as the Executive Head of Planning and Economy may determine):

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.

Reason: To comply with 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:

Leisure and Retail Statement ref JAL/286/36/1 dated 8 July 2015

Site Location Plan drwg.no 286/36/1_SLP05 received 27 July 2015

Transport Assessment prepared by David Tucker Associates received 27 July 2015

Proposed Mezzanine layout received 27 July 2015

Proposed Ground Floor layout received 27 July 2015

Existing Ground Floor layout received 27 July 2015

Existing Mezzanine layout received 27 July 2015

Proposed Block Plan drwg.no STP-WA-H PL 24 received 27 July 2015

Additional Traffic Information Summary of Junction Performance received 18 September 2015

Preliminary Risk Assessment for Land Contamination received 17 September 2015

Ground Investigation Report produced December 2012 received 17 September 2015

SuDS Assessment Robert Clark Associates received 17 September 2015

Reason: - To ensure provision of a satisfactory development.

- 3 Use Class A1 floorspace within this development shall only be used for the sale of DIY products (including materials and accessories), home improvement products, carpets and floor coverings, fabric, furniture, soft and hard furnishings, floor coverings, household goods, homewares, decorative products, glassware, cookware, kitchen utensils, white and electrical goods, automotive and cycle parts, pet food, garden tools, arts and crafts materials, variety retailing, tents, camping, caravanning, leisure and outdoor activity equipment, or related accessories for all of the aforementioned or the provision of ancillary café facilities, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of the viability and vitality of Waterlooville town centre in particular and having due regard to policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The use of E Block for leisure and/or non food retail uses shall not commence until a plans specifying the proposed layout for all open parts of the site proposed to be hardsurfaced have been submitted to and approved in writing by the Local Planning Authority. Such plans shall include, a specification of the materials to be used, the space for the loading, unloading and parking of vehicles and cycles and for the servicing of the building. The building shall not be brought into the use(s) hereby permitted until the site has been surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

Reason: In the interests of the amenities of the locality and highway safety and having due regard to policies CS16, DM13 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The use of E Block for leisure and/or non food retail uses shall not commence until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

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

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The use of E Block for leisure and/or non food retail uses shall not commence until a detailed acoustic report has been

submitted and approved by the Local Planning Authority. The detailed report shall assess the final use and layout of the building and noise impact of the proposed business activities and include any proposals relating to the installation of fixed noise making equipment e.g. refrigeration units, air conditioning, extract ventilation equipment, and so forth.

Reason: In the interests of protecting local residents from unreasonable noise levels which would be detrimental to the wider character of the area, and having due regard to Policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.

- 7 No development shall commence on site until the following details have been submitted to and approved in writing by the Local Planning Authority in relation to site accesses:
- a) A specification of the type of construction for the roads and footpaths including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels together with details of street lighting and the method of disposing of surface water; and
 - b) A programme for making up the roads and footpaths.

The development shall be carried out in accordance with the approved details before any part of the development is occupied unless otherwise first agreed in writing by the Local Planning Authority

Reason – To ensure that the roads and footpaths are constructed to a satisfactory standard and having due regard to policies CS20 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 In the event that soil or groundwater is encountered during groundwork that is suspected of being contaminated (including discolouration, oils, sheens that are oily, metallic or brightly coloured, foul or solvent odours, or deposits & inclusions comprising obvious waste materials), or if groundwork staff report acute symptoms (skin, eye or respiratory) suspected of being related to soil quality; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

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

- 1) A site investigation in the vicinity of the suspected contamination, of a scale sufficient to characterise it's nature, and likely origin, extent & mobility
- 2) An appropriate assessment of the risks to all receptors that may be affected, including those off site.
- 3) Where the Risk Assessment (2) identifies potentially unacceptable risks, a Remediation Strategy that includes;
 - appropriately considered remedial objectives, and;
 - clearly defined proposals for the remediation &/or mitigation of identified risks, having due regard to sustainability
- 4) Where a remediation strategy (3) identifies actions required to remediate contamination or mitigate risks associated with the presence of contamination, a Verification Report that includes;
 - Photographic documentation of any relevant physical works, sampling/monitoring results, and any other technical or statistical information as may be required to demonstrate that Remediation Strategy objectives have been met, and where necessary;
 - Further plans for monitoring, provision for maintenance of barriers or other structures required for remediation or risk mitigation, and any relevant trigger values and contingency actions as may be required to address the identified risks (a "long-term monitoring and maintenance plan").

All assessments, works, monitoring & other actions required by (1)-(4) above shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, there is a low probability of the presence of contamination associated with previous R&D activities at the site that could, if present, pose a significant risk to surface waters.

The meeting commenced at 5.00 pm and concluded at 6.10 pm

.....

Chairman