

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 20 October 2016

Present

Councillor Quantrill (Chairman)

Councillors Hughes, Keast, Patrick, Bowerman (Standing Deputy) and Davis (Standing Deputy)

### **46 Appointment of Chairman**

RESOLVED that Cllr Lance Quantrill would be Chairman for the meeting.

### **47 Apologies for Absence**

Apologies for absence were received from Cllr John Perry and Cllr Paul Buckley.

### **48 Minutes**

It was RESOLVED that the minutes of the meeting held on 18 August 2016 were agreed as a correct record and signed by the Chairman.

### **49 Matters Arising**

There were no matters arising.

### **50 Site Viewing Working Party Minutes**

The committee received the minutes of the meeting held on 13 October 2016.

### **51 Declarations of Interest**

There were no declarations of interest relating to matters on the agenda.

### **52 Chairman's Report**

The Chairman advised there was nothing to report at the time.

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

There were no items considered for Site Viewing or deferment.

#### **54 Deputations**

- (1) Mr Anthony Walker (objector) – APP/16/00568 – 117 Elm Grove, Hayling Island, PO11 9ED
- (2) Mr Robert Woodward (objector) – APP/16/00568 – 117 Elm Grove, Hayling Island, PO11 9ED
- (3) Mr Gian Bendinelli (applicant's agent) – APP/16/00568 – 117 Elm Grove, Hayling Island, PO11 9ED
- (4) Cllr Leah Turner (Ward Councillor) – APP/16/00568 – 117 Elm Grove, Hayling Island, PO11 9ED
- (5) Cllr Michael Wilson (Ward Councillor) – APP/16/00568 – 117 Elm Grove, Hayling Island, PO11 9ED
- (6) Cllr David Guest (Ward Councillor) – APP/16/00933 – Hall Place Cottage, South Street, Havant.

#### **55 APP/16/00568 - 117 Elm Grove, Hayling Island, PO11 9ED**

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

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

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

- (1) Detailed the consultation responses from the Arboricultural Officer and Landscape Officer
- (2) Detailed an update to the planning considerations regarding the S106 agreement and number of parking spaces within the proposal.
- (3) Gave responses to the questions raised by the Site Viewing Working Party held on the 13 October.

The Committee was addressed by the following deputees:

- (1) Mr Walker, who objected to the proposal for the following reasons:
  - a. The proposal breached policy DM2 of the Core Strategy as it had not been demonstrated through an active marketing process that the premises was no longer viable for its authorised use.
  - b. The proposal would have a significant detrimental impact upon neighbouring parking

- c. A 3 storey building would be too high in scale and design and would set a precedent for additional 3 storey developments in the area
- d. The proposal cause congestion and would put additional pressure on infrastructure, particularly vehicular access to Hayling Island with regard to emergency services.
- e. The area would benefit from developments that would incorporate shops, amenities and parking; residential developments were an inappropriate use of the site.

(2) Mr Woodward, who objected to the proposal for the following reasons:

- f. Increase in housing in the area would add strain to the infrastructure, particularly highways
- g. The proposal was unsustainable in the long term
- h. The proposal would have a detrimental impact upon small businesses in the area.

(3) Mr Bendinelli, on behalf of the applicant, supported the proposal for the following reasons:

- i. This new type of proposal would add interest and variety to the area.
- j. The design would allow for the most efficient use of space, maximising housing whilst minimising impact on the street scene.
- k. The proposal would help Havant Borough Council deliver sheltered housing to the residents of the Borough.
- l. Due to the absence of a 5 year housing land supply, policy DM2 of the core strategy would be considered outdated and therefore not apply to the proposal.
- m. The parking provisions detailed in the proposal were well above that which would be deemed acceptable by the highways authority and the planning inspectorate.
- n. The loss of community use is unsubstantiated as the application for the premises to be listed as an Asset of Community Value had been turned down, and therefore a change of use to residential is acceptable.

(4) Cllr L Turner who objected to the proposal for the following reasons:

- o. The proposal breached Policy CS9 of the core strategy as it did not provide 30-40% of affordable housing. It therefore could be refused under R11 of the model reasons for refusal.
- p. £21,000 of local housing contribution was much lower than what should be expected and a small contribution raised concerns over the developer's confidence in the viability and sustainability of the proposal.

(5) Cllr M Wilson who objected to the proposal for the following reasons:

- q. The size and bulk of the proposal would be an incongruous feature of the street scene.
- r. The increase in traffic as a direct result of the proposal would have a detrimental impact on the infrastructure of the area.
- s. The Havant Borough Council's Parking SPD set a policy for 1 car parking space per dwelling which the proposal would breach.
- t. The increased need for car parking directly arising from the proposal would have a significant detrimental impact on neighbouring amenities and also local shops and businesses.
- u. The trees on the site would suffer significantly from the proposal.
- v. The proposal was a significant overdevelopment of the site; a smaller proposal would be more appropriate.

In response to questions raised by the committee, officers advised that:

- The lack of a 5 year housing land supply meant that Local Plan policies restricting the supply of housing land, such as Policy DM2, were deemed out of date and should not be regarded as a determining factor in the outcome of the application. Thus the lack of marketing of the site as a community asset, as normally required by Policy DM2, could not form a sustainable reason for refusal, and
- The design of the proposal did not constitute an overdevelopment of the site.

The committee discussed the application in detail together with the views raised by the deputees.

In light of Local Plan Policy DM2 not being a determining factor in the outcome of the application due to the lack of a 5 year housing land supply, the committee agreed that the proposal was acceptable. It was therefore

RESOLVED that the Head of Planning Services be authorised to grant permission for Application APP/16/00568 subject to:

(A) The entering into of a S106 Agreement, acceptable to the Solicitor to the Council, to secure the required SRMP contribution and a contribution of £21,000 in lieu of the provision of affordable housing and a contribution in relation to traffic management if required; and

(B) Conditions to address the following matters, and any others that are considered appropriate (the detailed wording of such to be delegated to the Head of Planning Services):

- 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 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined within the ACS Desk Study Report Ref: 15-67729 (Jan 2016); to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where

unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,

- an appraisal of remedial &/or risk mitigation options, having due regard to

sustainability, and;

- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action. All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

**Reason:** Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site.

- 3 Prior to commencement of the development approved by this Planning Permission (inclusive of demolition & site clearance), a scheme to address the risks posed by the potential presence of asbestos containing materials (ACM's) within the existing structures shall be submitted to, and approved in writing by, the Local Planning Authority. Assessment shall

be undertaken by competent persons, and the findings presented as a written report. The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) A physical site survey, of sufficient scope to enable an indicative description of the nature & location of all potential ACM present; including that enclosed by finished surfaces (i.e. within the sub-structure).

2) Collection of physical samples from suspected ACM for laboratory analysis by Polarised Light Microscopy, to confirm:

- Asbestos presence (or absence), and
- Where present, Asbestos type, and
- Where possible, approximate proportion, as a percentage.

3) Where ACM is identified, clearly defined proposals for removal of the identified material (a method statement), to include a description of risk management measures to be observed during removal works, monitoring to be undertaken, and contingency measures.

4) A verification survey & any associated air monitoring results, to confirm that removal has been undertaken in accordance with the method statement (3). All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

**Reason:** Having due regard to policy DM10 of the Havant Borough Adopted Core Strategy [2011], Asbestos containing materials are suspected to be present within the buildings at the site that could, if not managed during demolition, be released in to the environment (air, soils).

- 4 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1, part 3] shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”). The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a

result of both previous & current land uses (&/or activities) that could pose a risk to future site occupiers.

- 5 Prior to any development taking place plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) shall be submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

**Reason:** To safeguard the amenities of the locality and to ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

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

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

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

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

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

**Reason:** In the interests of the character and amenities of the area, and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 011 and the National Planning Policy Framework.

- 8 Prior to any above ground development taking place, any proposal relating to the installation of potential noise generating plant / equipment such as air source heat pumps, mechanical ventilation systems, air

conditioning units and the like, shall be agreed and approved in writing by the Local Planning Authority.

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

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

- 9 Prior to any development taking place further clarification of the details within the submitted noise report in regard to the electrical sub station is required to be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 10 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

**Reason:** To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Local



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

- 12 Demolition works adjacent to T1, T2 & T3 must be supervised by the Arboricultural consultant and the supervision report to be submitted to and approved in writing by the Local Planning Authority.

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

- 13 No development shall commence on the site until details of the design, depth and type of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard against undue damage to existing trees and/or other vegetation at the site and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 14 The applicant shall give at least 10 days notice of the proposed start date for the approved works, to give the Local Planning Authority the opportunity to arrange supervision of the works as necessary.

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

- 15 Prior to any the occupation of any unit hereby permitted the applicant shall confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.

**Reason:** In the interests of the residential amenities of the occupiers, and 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.

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

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

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

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

- 18 The landscaping works shown on the approved plans [ref. landscape strategy SO\_2267\_03\_LA\_MCS551 rev E received 14 September 2016] shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

**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.

- 19 The collection of refuse shall be in accordance with the submitted Refuse Collection Statement received on 4 October 2016 and shall be collected from and returned to the refuse store by the waste collection operative and shall not be left on the public highway.

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

- 20 No above ground construction works shall take place until a scheme of enhanced ecological mitigation measures for the site has been submitted to and approved by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide ecological protection and enhancement in accordance with the Natural Environment & Rural Communities

(NERC) Act 2006 and Policy CS11 of the Havant Borough Core Strategy March 2011.

- 21 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension / building hereby permitted the windows in the first floor on the southern elevation facing south and serving apartments 19 and 20 shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

**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.

- 22 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed North and West Elevations Drwg.no  
S0\_2267\_03\_AC\_031 rev B received 5 September 2016  
Proposed South and East Elevations Drwg.no  
S0\_2267\_03\_AC\_030 rev B received 5 September 2016  
Proposed Ground Floor Plans Drwg.no S0\_2267\_03\_AC\_020 rev E  
received 5 September 2016  
Proposed First Floor Plans Drwg.no S0\_2267\_03\_AC\_021 rev E  
received 5 September 2016  
Proposed Second Floor Plans Drwg.no S0\_2267\_03\_AC\_022 rev  
D received 5 September 2016  
Proposed Roof Plans Drwg.no S0\_2267\_03\_AC\_023 rev C  
received 5 September 2016  
Proposed Site Plan Drwg.no S0\_2267\_03\_AC\_010 rev C received  
5 September 2016  
Proposed Block Plan Drwg.no S0\_2267\_03\_AC\_011 rev D  
received 5 September 2016  
Design and Access Statement received 26 May 2016  
Planning Statement received 26 May 2016  
Extended Phase I Habitat Survey received 26 May 2016  
Drainage Strategy Report received 26 May 2016  
Land Contamination Assessment received 26 May 2016  
Landscaping Strategy Drwg.no SO\_2267\_03\_LA\_MCS551 rev E  
received 14 September 2016  
Transport Assessment and Layout Plan received 26 May 2016  
Tree Survey/ Arboricultural Implications  
Refuse and Waste Management Plan received 26 May 2016  
Refuse Collection Statement received 4 October 2016  
Arboricultural Method Statement received 4 October 2016  
Arboricultural Report received 4 October 2016  
Tree Protection Plan received 4 October 2016  
Utilities Survey Report received 26 May 2016

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

**56 APP/16/00933 - Hall Place Cottage, South Street, Havant, PO9 1DA**

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

The committee received the report from the Head of Neighbourhood Support and recommendation to grant permission.

The Committee was addressed by the following depute:

(1) Cllr D Guest who objected to the application for the following reasons.

- a. The tree provides interest and variation to the street scene
- b. The tree would contribute more community asset than the adjacent wall
- c. The tree was healthy; not dead dying or diseased.
- d. All options to retain the tree had not been investigated.

In response to questions raised by the committee, officers advised that:

- It could not be confirmed that the tree was safe
- Refusing consent would make the Council liable for damages and costs if the tree were to fall.
- Reducing the tree in size had been considered but was not a viable option.
- The tree would not be felled until an agreement had been signed by the applicant stating that another similar tree would be planted after the event.

The Committee discussed the application in detail together with the views raised by the deputy and agreed that although the tree was an impressive feature of the street scene, a foreseeable risk had been illustrated. The conditions of the application also meant the tree would be replaced. It was therefore

RESOLVED that the Head of Neighbourhood Support be authorised to grant consent for application APP/16/00933 subject to the following condition:

- (1) The tree felling for which consent is hereby granted shall not commence until a detailed scheme and specification for replacement tree planting on an adjacent part of the site has been submitted to and approved in writing by the Local Planning Authority; such specification shall include details of the species and size of such replacement planting.

**Reason:** To conserve and safeguard the visual amenities of the locality.

**57 Nomination of Chairman**

The Committee considered the nomination of Chairman for the next meeting of the Development Management Committee. It was

RESOLVED that Cllr Clare Satchwell was nominated as Chairman for the next meeting of the Development Management Committee.

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

.....

**Chairman**