

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 2 February 2017

Present

Councillor (Chairman)

Councillors Buckley, Hughes, Keast, Patrick, Perry, Quantrill and Guest (Standing Deputy)

83 Appointment of Chairman

RESOLVED that Cllr P Buckley be appointed as Chairman for the meeting.

84 Apologies for Absence

Apologies for absence were received from Cllr C Satchwell.

85 Minutes

RESOLVED that the minutes of the last meeting of the Development Management Committee held on the 12 January 2017 be approved as a correct record and signed by the Chairman.

86 Matters Arising

There were no matters arising.

87 Site Viewing Working Party Minutes

The Minutes of the Site Viewing Working Party held on the 26th January were received by the Committee.

88 Declarations of Interest

There were no declarations of interest from members present relating to matters on the agenda

89 Chairman's Report

The Chairman advised that the Scrutiny Board were undergoing the process of reviewing standing orders for committees of the Council and encouraged all members to engage with the process.

The Chairman reminded the Committee that a training module was available online for all members to complete and advised them to complete when possible

90 Matters to be Considered for Site Viewing and Deferment

There were no matters considered for site viewing or deferment

91 Deputations

The following deputation requests were noted by the Committee:

- (1) Mr J Garland (Dolphin Quay Action Group) – APP/16/00921 – Dolphin Quay, Queen Street, Emsworth
- (2) Mr M Pickup (Applicant's Agent) – APP/16/00921 – Dolphin Quay, Queen Street, Emsworth
- (3) Cllr R Bolton (County Councillor) – APP/16/00921 – Dolphin Quay, Queen Street, Emsworth
- (4) Cllr L Bowerman (Ward Councillor) – APP/16/00921 – Dolphin Quay, Queen Street, Emsworth
- (5) Cllr R Cresswell (Ward Councillor) – APP/16/00921 – Dolphin Quay, Queen Street, Emsworth
- (6) Ms A Head (Objector) – APP/16/00735 – Land Adjacent to 132 Havant Road, Hayling Island
- (7) Mr L Weymes (Applicant's Agent) – APP/16/007

92 APP/16/00921 - Dolphin Quay, Queen Street, Emsworth

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 at the meeting which outlined:

- A further objection to the consultee comments of the Council's Estates Team Leader
- A Response from the agent to an objection raised to the flood defence scheme and a further response to this response from the objector.
- A response to a query raised by the Site Viewing Working Party with regards to the retention of existing moorings.

The Committee was addressed by the following deputees:

(1) Mr J Garland, of the Dolphin Quay Action Group, who objected to the proposal for the following reasons:

- a. The proposal had gathered a high number of objections from members of the public
- b. The proposal would have a detrimental impact on the value of neighbouring residential properties
- c. The site and its approved use had a significant historic value to the local area; the previous occupier having been required to leave the site in 2012
- d. The benefits of the flood defence proposals were overstated and there had been alternative flood defence schemes submitted to the Council that had not been considered
- e. The owner of the site had not conducted an active and exhaustive marketing exercise which would have sought to retain its approved use and therefore was in breach of Local Plan Policies DM2 and DM3
- f. A viable alternative use had been proposed by another developer which would seek to retain the maritime use of the site and provide career opportunities for young people and benefit local economic growth.

(2) Mr M Pickup, the applicant's agent, who supported the proposal for the following reasons:

- g. The proposal and its design were of a high quality, sympathetic to the local area and would add value and character to Emsworth
- h. The applicant had engaged fully with the Local Authority and community and adhered to the pre-application advice in order to mitigate concerns from the Council and residents.
- i. The officer's report outlined that the site was unique as it allowed for implementation of a wider flood alleviation scheme and met the Sequential Test and therefore didn't breach policy CS15 of the Local Plan.
- j. The applicant had completed a thorough and exhaustive marketing exercise of the site, however no credible offers had been received and therefore the proposal was not in breach of Local Plan Policies DM2 and DM3.

(3) Cllr R Bolton (County Councillor) who objected to the proposal for the following reasons:

- k. There was a history of flood risk in the local area and the proposed flood mitigation plans would result in an increased flood risk in other parts of the local area. This would be specific to Chequers Quay, lower Queen Street and the A259
- l. The proposal lacks information regarding unintended consequences of the flood mitigation scheme.
- m. The proposal was inappropriate due to its location within a flood zone 3 and subject to significant fluvial flooding, which would be intensified by the proposed flood mitigation scheme
- n. Other areas within the Borough have shown that the Sequential Test has been proven to be unsound and therefore does not preclude the proposal from policy CS15 of the Havant Borough Council Core Strategy.

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

- o. Concerns have been raised over the flood defence scheme which was displayed for public viewing. It would create significant fluvial and tidal flooding which the lead local flood authority would find difficult to manage
- p. The site remained to be commercially viable and should be retained for heritage and employment purposes
- q. The proposal was unsympathetic to the street scene and neighbouring properties due to its height, bulk and modern design
- r. The applicant did not undertake an exhaustive marketing strategy of the site and any offers to retain the use were not properly acknowledged by the agent
- s. The loss of the marine related facility would be detrimental to the local area.

(5) Cllr R Cresswell (ward Councillor) who also objected to the proposal for the following reasons:

- t. The site was within an area of outstanding natural beauty and the design is unsympathetic to the local area due to its size and bulk.
- u. The site had significant historic value and the change of use would cause a decline to tourism and public interest in the area.

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

- The aesthetic quality of the proposal was a subjective assessment however officers were satisfied that it was sympathetic in the context of the harbour setting and conservation area and neighbouring properties
- The proposal included a flood defence scheme and related to land owned by the applicant, however the overall flood defence scheme for the Emsworth area was conceptual and not for consideration by the Committee at the time
- If the Committee were to approve the proposal, condition 4 included in the agenda papers must be met prior to development commencing. The Committee was advised that conditions relating to drainage were typical for this type of development
- The number of sites in the Havant Borough dedicated to maritime use was limited however the value of this site was restricted due to tidal reach.
- There were no mechanisms to define the cause and effect of certain developments upon tidal or fluvial flooding in the area and therefore it could not be outlined with absolute certainty the risk of future flood events if the proposal was approved
- The jetties and moorings to the south of the site would be retained and access provided by a pedestrian access adjacent to the Lord Raglan.

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

Members of the Committee raised concerns over the impact the development would have upon the level of both fluvial and tidal flooding in the local area but agreed overall that the inclusion of a flood defence scheme in the proposal was positive and would help mitigate the flood risks in the long term.

The Committee discussed the design of the proposal with some members outlining that it was inappropriate and unsympathetic to neighbouring properties. The majority of the Committee expressed that the aesthetic of the dwellings would add character and interest to the area and were content with the designs in the proposal. It was therefore

RESOLVED That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00921 subject to:

(A) The completion of an agreement under S106 of the Town and Country Planning Act 1990, in a form satisfactory to the Solicitor of the Council, to secure the matters listed in paragraph 7.40 of the Officer's report; and

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

- 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 - Topographical - DN: 27958-PD-100

Site Plan - DN: 27958-PD-103K

Proposed floor plans plots 3-6 - DN: 27958-PD-104F

Proposed floor plans plots 1-2 - DN: 27958-PD-105J

Proposed streetscene and section plan - DN: 27958-PD-108F

Proposed site section A - A - DN: 27958-PD-109B

Proposed elevations plots 3-6 - DN: 27958-PD-106F

Proposed elevations plots 1-2 DN: 27958-PD-107G

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 4 No development hereby permitted shall commence until 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) have been 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 ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 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, including a sample panel of brickwork and flintwork for the properties on Queen Street 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.

- 6 No above ground construction works shall take place until a detailed soft landscaping scheme for all open parts of the site (including the public amenity space) 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 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 No part of the development shall be first occupied until detailed plans for all proposed boundary treatments, including the flood defence wall, which by means of dimensioned cross-sections and construction details shall demonstrate materials, finish, assembly method and relationship with context levels and paving finishes have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure, or additional windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

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.

- 9 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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.

- 10 No development shall take place until plans and particulars specifying the following matters have been 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.

(iii) A specification of measures to be undertaken to prevent deposition on nearby roads of mud and spoil from vehicles leaving the site.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision, storage compound and mud prevention facilities 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.

- 11 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation the windows at second floor level in the east elevation of Plot 1 and in the west elevation of Plot 2 to serve ensuite bathrooms shall be fitted with 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.

- 12 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of Plots 3-6 all windows serving a bathroom or ensuite as shown on

Drawing Number 27958-PD104 Rev E 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.

- 13 Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of dust, pollution of the adjacent watercourse and waste disposal resulting from the site preparation, groundwork and construction phase of the development. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests the nearby environmentally sensitive areas and having due regard for policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by OPUS International Consultants (UK) Ltd, dated 11 May 2014 and the following mitigation measures detailed within the FRA:

1. No habitable use of the development to occur below 4.8mAOD

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that the proposed development and its occupants remain safe over its lifetime. This condition is in line with Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Council Core Strategy 2011 and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

- 15 No above ground development shall take place until plans and particulars specifying the siting and design of any proposed external meter boxes/metal ducting/flues and guttering shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the appearance of the development within the Conservation Area and having due regard for policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the

National Planning Policy Framework.

- 16 The south elevations on the two detached dwellings fronting onto the Mill Pond shall include the use of non reflective glazing at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the amenity of the environmentally sensitive setting and having due regard for policies CS11 and CS12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 17 No above ground development shall take place until plans and particulars specifying the provision to be made for external lighting for all plots have been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.
Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The meeting was adjourned from 18.28 and reconvened at 18.41

93 APP/16/00735 - Land Adjacent to, 132 Havant Road, Hayling Island

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

The Committee considered the report from the Head of Planning Services to grant permission. The Committee also received supplementary information circulated at the meeting which outlined updated planning considerations and conditions.

The Committee was addressed by the following deputees:

- (1) Cllr A Lenaghan (Ward Councillor) who spoke on behalf of Ms A Head (objector) who objected to the proposal for the following reasons:
- a. The proposed use of the site would have a significant detrimental impact upon the street scene due to the type of work to be carried out and any limits on activity would be difficult to enforce.
 - b. The intensive use of the site and associated vehicles accessing the site would cause a significant detrimental impact upon the access route and place a burden upon the highway.
 - c. The proposal would cause an increase in noise and air pollution and have a negative impact on the quality of life for neighbouring residential properties.

- d. The proposal had received substantial objections from the community and members of the public.

(2) Mr L Weymes (applicant's agent) who supported the application for the following reasons:

- e. The site and the proposal have significant commercial value and would benefit the local economy and employment in the Borough
- f. The proposal seeks to mitigate the level of noise that comes from the site and therefore improve the quality of life for nearby residents.

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

- The hours of operation outlined in the conditions were due to the nature of the proposed use and necessary early access however the proposal would seek to mitigate the noise created during early hours of operation.
- The burning of trade waste at the site was prohibited due to existing legislation, although this fell outside of planning control. Any illegal activity could be subject to separate enforcement action from the Council.

The Committee discussed the application together with the views raised by the deputees.

The Committee outlined how the proposal would be beneficial to the local area and economy and would help to improve the quality of life of residents due to the mitigation of noise levels. The Committee also agreed that there would be added benefit to congestion and highway issues if a condition was added to allow for a designated turning point for vehicles on site. It was therefore

RESOLVED that the Head of Planning Services be authorised to grant permission for application APP/16/00735 subject to the following conditions:

- 1 Within three months of the date of this permission the scaffolding related uses currently taking place on the site shall be relocated to the area to the rear (east) of the site as shown on site plan drawing License Number 100030848 dated 1st February 2017. The scaffolding related uses shall not take place anywhere on the site excepting within the designated area as enclosed to the west and part south by the line of acoustic fencing.
Reason: In the interests of the amenities of residential properties beyond the site, to mitigate noise emanating from the scaffolding use and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy

Framework and the Noise Policy Statement for England.

- 2 Within three months of the date of this permission a 3.5m high acoustic fence of the specification set out in Sound Advice Acoustics Ltd Industrial Noise Impact Assessment Report Ref SA-4697-1 dated 9th December 2016 shall be erected as shown on site plan drawing License Number 100030848 dated 1st February 2017 unless otherwise agreed in writing by the Local Planning Authority. The acoustic fencing shall thereafter be maintained and retained in accordance with the above details.

Reason: In the interests of the amenities of residential properties beyond the site, to mitigate noise emanating from the scaffolding use and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework and the Noise Policy Statement for England.

- 3 The uses hereby approved under use class B8 (Storage and Distribution) shall not be open for business, receipt or dispatch of vehicles/equipment excepting between the following hours
Monday to Friday between 07.30 hours and 20.00 hours.
Saturday between 07.30 to 12.00 (noon) hours

There shall be no working on Sundays and Bank Holidays.

Reason: In the interests of the amenities of residential properties beyond the site, to mitigate noise emanating from the site and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework and the Noise Policy Statement for England.

- 4 The storage of scaffolding and associated materials shall not take place over 3.5m in height.

Reason: In the interests of the character and visual amenities of the area, to mitigate noise emanating from the scaffolding use and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework and the Noise Policy Statement for England.

- 5 The landscaping works including banking and planting shown on the approved plans:

Screening Proposals Drawing No 1015-5300

Landscaping Proposals Southern Boundary Drawing No. 1015-5301
Rev A

Planting Plan Drawing No. 1015-5302

Shall be carried out in accordance with the approved details as amended within three months of the date of this consent unless otherwise agreed in writing by the Local Planning Authority. The banking shall be formed of inert subsoil and topsoil only. 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 CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the premises shall only be used as for storage and distribution of:

Vehicles and equipment relating to Scaffolding;
Vehicles and equipment relating to Drainage Operations;
Vehicles and equipment relating to Hydraulics Operations;
Car parking.

and for no other purposes within Class B8 of the above Use Classes Order unless otherwise agreed in writing by the Local Planning Authority.

In addition, no retail trade shall take place at the site.

Reason: To accord with the terms of the application in the interests of limiting vehicle movements and limiting noise to nearby residents and to prevent unacceptable impacts on local roads having due regard to policies CS16, CS20, DM8 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby residential properties from light disturbance / pollution having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Within three months of the permission hereby granted all the necessary mitigation measures as recommended in the submitted acoustic assessment, shall be completed. All elements shall thereafter be adhered to unless otherwise agreed to by the Local Planning Authority.

Reason: To protect the occupants of nearby residential properties from noise and / or vibration nuisance having due regard to policies CS16 and DM10 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.

- 9 The uses hereby permitted shall only continue to take place during such time that an area for lorry turning is made available and retained at the eastern end of the site access drive such as to enable all vehicles using the site to turn on site and enter and leave the public highway in a forward gear.
Reason: In the interests of highway safety and to reduce interruption to the free flow of traffic on Havant Road having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 10 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan dated 25th July 2016 OS License No. 100030848
 Planting Plan Drawing No 1015-5302
 Landscaping Proposals Southern Boundary Drawing no. 1015-5301 Rev A
 Screening Proposals Drawing No. 1015-5300
 Site Location Plan Scaffold Storage relocated dated 1st February 2017
 OS License No. 100030848
 Industrial Noise Impact Assessment Sound Advice Acoustics Ltd Report
 Ref: SA-4697-1

Reason: - To ensure provision of a satisfactory development.

94 Nomination of Chairman

RESOLVED that Cllr Keast be nominated as Chairman for the next meeting of the Development Management Committee.

The meeting commenced at 5.00 pm and concluded at 7.20 pm

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Chairman