

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 11 January 2018

Present

Councillor Satchwell (Chairman)

Councillors Buckley, Hughes, Keast, Patrick, Perry and Lloyd

Other Councillors Present:

Councillor(s): Bowerman, Cresswell

88 Apologies for Absence

There were no apologies for absence.

89 Minutes

RESOLVED that the Minutes of the last meeting held on the 7th of December 2017 were approved as a correct record and approved by the Chairman.

90 Site Viewing Working Party Minutes

The Minutes of the Site Viewing Working Party held on the 4th January were received.

91 Declarations of Interest

Cllr Gary Hughes advised he had met previously with the Developer for Application APP/17/00633 with regard to a different Application, however he was still capable of making an unbiased and objective decision. It was advised that this was not a prejudicial interest.

92 Chairman's Report

The Chairman advised upcoming training sessions and encouraged all members to attend. It was also advised that the Draft Local Plan was out for consultation with members of the public. Committee members were encouraged to engage with the consultation process as far as possible.

93 Matters to be Considered for Site Viewing and Deferment

No matters were considered for Site Viewing or Deferment.

94 Deputations

The following Deputation requests were noted by the Committee:

- (1) Mr Graham Simmonds – APP/17/00633, Orchard House, Western Avenue, Emsworth
- (2) Mr Gian Bendinelli – APP/17/00633, Orchard House, Western Avenue, Emsworth
- (3) Cllr Rivka Cresswell – APP/17/00633, Orchard House, Western Avenue, Emsworth.

95 APP/17/00633 - Orchard House, Western Avenue, Emsworth

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

The Committee was addressed by the following deputees:

- 1) Mr Graham Simmonds, who objected to the officer's recommendation for the following reasons:
 - a. The proposal had received 52 objections from 21 properties in the immediate vicinity, illustrating strong public opinion.
 - b. The proposal would have a significant dominating effect on nearby properties by way of it's bulk and would be 5 times larger than the Orchard House.
 - c. The proposal was inappropriate due to its design as it did not reflect the character of the area by way of the proposed materials and design.
 - d. It proposal was contrary to the Havant Borough Council Local plan as it would create overshadowing and overlooking of nearby properties.
 - e. If approved, the proposal would result in the removal of several trees on the site which would be destructive to the local environment. The removal of these trees was not supported by the Council's Arboricultural Officer The land surrounding Orchard House has significant social value to the local area.

- f. The parking on Western Avenue was inadequate, and an increase in traffic would exacerbate the matter. The parking provision for the proposal was insufficient to support the number of dwellings.
- 2) Mr Gian Bendinelli, who supported the Officers recommendation for the following reasons:
- g. The removal of any trees on site prior to an Area Tree Protection Order being applied was conducted solely by the owners of Orchard House.
 - h. The officers report was objective in nature and should be supported by the Committee
 - i. The proposal would make a positive contribution to the Council's 5-year housing supply if approved.

In response to questions from the Committee, the depute advised that no conversations regarding the felling of tree on the site had taken place between the owners, agent and developer to his knowledge.

- 3) Cllr Lulu Bowerman, on behalf of Cllr Rivka Cresswell, who object to the Officer's recommendation for the following reasons:

Deputation attached to the end of these Minutes.

In response to questions from Committee it officers advised that:

- On balance, the removal of tree on the site was outweighed by the benefits of the proposed new housing and new trees being planted.
- It was only possible to alter the access road with the agreement of all land owners.
- No trees on the site were subject to a Preservation Order prior to the area Protection Order being made.
- The separation distances between the proposed building and existing properties well exceeded the Council's acceptable size.
- It was the Officers' that the proposal was in keeping with the character of the area whilst also including modern features.
- A soft landscaping scheme was included in the conditions and must be adhered to prior to the commencement of development.

- Affordable Housing Contributions on such developments was a complex matter which required a decision on balance of benefits and financial gain by the Council in addition to viability of developments. Officers were satisfied with the advice from the housing and development consultancy firm.

The Chairman invited Mr Graham Simmonds to the witness table to answer further questions from the committee. Mr Simmonds advised that there was 1 window on the south elevation of his property which faced the application site.

The Chairman then invited Mr Gian Bendinelli to the witness table to answer further questions from the committee. Mr Bendinelli advised that it would be the intention of McCarthy and Stone to resurface the access road to the site to a high standard, once the development was completed.

The Committee discussed the proposal together with the views raised by the deputees. It was considered that aspects were overbearing by way of bulk, design and character however there were features included in the proposal which mitigated these concerns, including separation distances, screening and the soft landscaping plan. Flood mitigation measures were also considered to be beneficial for the area. The inclusion of tree planting would also assist in limiting the impact the proposal would have on the natural environment.

The Committee also debated the affordable housing contribution included in the proposal. Whilst some argued it was insufficient, the majority of the committee considered that it was acceptable in relation to the application. 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 a S106 agreement

and

B - 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:

Flood Risk Assessment and Drainage Strategy received on 30/8/17 and 12/12/17 (Part 3 of 3)
Arboricultural Impact Assessment and Method Statement Junction Technical Note received on 30/8/17
Archaeological desk based assessment
Design and Access Statement
Extended Phase 1 Habitat Survey
Planning Statement
Preliminary Geotechnical Investigations
Refuse and Waste Management Plan
Transport Statement
Materials Schedule
Tree Constraints Plan
Proposed Site Plan - DN: 0001 Rev P 14
Proposed Location Plan - 0002 Rev P 05
Proposed Roof Plan - 0301 Rev P 08
Proposed Ground floor plan - 0101 REV P14
Proposed First floor plan - 0102 Rev P 11
Proposed Second floor plan - 0103 Rev P 11
Proposed Landscape Strategy plan - 02 REV L
Proposed Planting plan west - 03 REV C
Proposed Planting plan east - 04 Rev D
Proposed elevations - 0401 Rev P 09
Proposed site sections and elevations - 0403 REV P02
Surface Water Network Calculations plan - 05 REV B
Proposed drainage layout plan - 64007-03-G
Tree Protection Plan - 9243-02 REV C

Reason: - To ensure provision of a satisfactory development.

- 3 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.

- 4 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) 2011 and the National Planning Policy Framework.

- 5 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.

- 6 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 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 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.

- 8 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.

- 9 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.

- 10 Development shall proceed in accordance with the ecological mitigation and enhancement measures detailed within the Extended Phase 1 Habitat Survey and Phase 2 Bat Surveys Report (Abbas Ecology, June 2017) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation and enhancement features shall be permanently retained and maintained.

Reason: to protect biodiversity in accordance with the Conservation regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS11 of the Havant Borough Core Strategy March 2011

- 11 In the event that suspected contamination (soil, groundwater or buried waste materials) is encountered during groundwork; 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/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,

2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;

3) Where potentially unacceptable risks are identified by 2), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All assessments, works, monitoring & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A. A statement confirming that no suspected contamination was identified during development,

OR;

B. Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, there is a potential for contamination to exist at the site within made ground which could pose a risk to occupants"

- 12 The balcony on Unit No. 22 shall not be brought into use until details of screening to the balcony have been provided to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 13 No development hereby permitted, including demolition, shall commence until a detailed maintenance plan for the surface water drainage element, detailing who will be responsible for the long term maintenance of the elements, what this maintenance requires and evidence that the adopting body is aware of and agree to their responsibilities, has been submitted to and agreed 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.

Reason:

- 14 Notwithstanding any details shown on the submitted plans, no development hereby permitted shall be commenced until a more 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 CS11, DM8 and CS16 of the Havant

Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 15 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 16 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 17 The development shall not be brought into use until details of cycle parking provision have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the units hereby approved and retained in situ thereafter.
Reason: In the interests of enabling sustainable means of transport to future residents and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 18 The development shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement by Ian Keen

Ltd (Ref JTK/9243-REVB/WDC and Tree Protection Plan DN: Tree Protection Plan - 9243-02 REV C received on 23/11/17.

Reason: to ensure the protection of the remaining on site trees and having due regard for Policy DM8 of the Local Plan (Core Strategy 2011) and the National Planning Policy Framework 2012.

96 Appointment of Chairman

RESOLVED that Cllr Gary Hughes be Appointed as Chairman for the next Development Management Committee

The meeting commenced at 5.00 pm and concluded at 7.10 pm

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Chairman