

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 18 October 2018

Present

Councillor Buckley (Chairman)

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

Other Councillors Present:

Councillor(s): Pike and Robinson

54 Apologies for Absence

There were no apologies for absence.

55 Minutes

The Chairman requested members to confirm their agreement with Minute 51 in view of a challenge concerning the accuracy of this minute, and members confirmed that in their view, this was a true and correct record of the debate held and decision made.

RESOLVED that the minutes of the meeting of the Development Management Committee held on 6 September 2018 were agreed as a correct record and signed by the Chairman.

56 Matters Arising

There were no matters arising.

57 Site Viewing Working Party Minutes

The minutes of the Site Viewing Working Party held on 11 October 2018 were received and it was noted that Councillor Howard had submitted apologies for absence for this meeting.

58 Declarations of Interest

There were no declarations of interest.

59 Chairman's Report

There were no matters that the Chairman wished to report to the Committee.

60 Matters to be Considered for Site Viewing and Deferment

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

61 Deputations

The Committee received the following deputations:

- (1) Mr Comlay and Ms Glanville-Hearson – APP/18/00706 – 39 West Street, Havant, PO9 1LA (Minute 62);
- (2) Mr Millward – APP/18/00706 – 39 West Street, Havant, PO9 1LA (Minute 62); and
- (3) Councillor Tim Pike – APP/18/00706 – 39 West Street, Havant, PO9 1LA (Minute 62).

62 APP/18/00706 - 39 West Street, Havant, PO9 1LA

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

Proposal: Change of use from a former bank (Class A2) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment and other minor external alterations.

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

The Committee received supplementary information, circulated prior to the meeting, which gave details on the following:

- A schedule of opening and closing times for nearby takeaway establishments and the Parchment Makers public house;
- A schedule of opening and closing times for other businesses that access the rear car parking yard; and
- Details of 12 further objection letters received.

The Committee were also advised that since the supplementary information had been issued, one further letter of objection had been received.

The Committee was addressed by the following deputees:

- a) Mr Comlay and Ms Glanville-Hearson, who objected to the application for the following reasons:
 - 1) The application would result in unacceptable traffic issues due to the significant increase in vehicular movements in and around the site;
 - 2) The application would exacerbate existing parking issues;
 - 3) The opening of a takeaway would lead to an increase in litter on and around the site;

- 4) The application would contravene the adopted Core Strategy aims to promote healthy living in the Borough; and
 - 5) The takeaway would be detrimental to the visual amenity of the area.
- b) Mr Millward, the applicant's agent, who supported the application for the following reasons:
- 1) The on-site parking was sufficient as delivery vehicles would constantly rotate use of the 3 on-site spaces, while customers visiting the store would make use of multiple public transport connections to Havant Town Centre and link trips with use of the town centre facilities;
 - 2) The applicant would be willing to submit a Delivery Management Plan, to provide assurance on the route to be used by delivery drivers collecting from the store;
 - 3) The opening hours had been amended to reflect concerns raised by local residents, and the applicant was willing to accept a condition that the 11pm – midnight opening hours for Fridays and Saturdays be temporary for 12 months to see if any issues are caused at these times;
 - 4) Noise mitigation measures had been considered suitable;
 - 5) Measures had been taken to significantly reduce concerns over anti-social behaviour at the site;
 - 6) An internal litter bin would be provided, as well as CCTV cameras both in and outside of the store; and
 - 7) The takeaway was relocating from North Street and as such, would not constitute an additional takeaway store in Havant Town Centre.]
- c) Councillor Tim Pike, who objected to the application for the following reasons:
- 1) Although the Council would normally look to promote opportunities for town centre regeneration, this application would result in unacceptable parking and transport issues that would contravene DM5 and DM11 of the adopted Core Strategy;
 - 2) Parking on-site was not sufficient for staff numbers and would result in unacceptable parking issues for residents in surrounding areas; and
 - 3) The site was not suitable for heavy-duty delivery vehicles and this would cause issues in the rear car parking yard.

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

- a) While the unit was inside the town centre area, it was not classed as a Primary Frontage and therefore there were no restrictions on the loss of an A1 usage;
- b) The Council's policies aimed to ensure active frontages in town centres, which in turn enhance and benefit these areas;
- c) Noise calculations had been carried out by measuring current background noise and comparing this to predicted noise levels if the application were to be successful. These had been found to create no additional noise in the AP1 testing location and negligible increases in the AP2 testing location;
- d) The site was situated in an area close to existing retail, office and industrial units; and
- e) It was confirmed that the application included 3 parking spaces in the rear car parking yard.

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

Some concern was raised over the impact upon the traffic flow and highway safety. However, in view of the comments of the Highways Engineer in the written report, the Committee were advised that there was not sufficient grounds to refuse for this reason.

The majority of the Committee expressed concerns relating to the parking and delivery access to the site, and considered that this would have a detrimental impact upon nearby residential properties. It was therefore

RESOLVED that Application APP/18/00706 be refused for the following reason:

- 1 The proposed change of use of the premises would give rise to additional vehicular movements to and from the site, and due to the limited parking facilities available would be detrimental to the amenity of nearby residential properties, particularly during the evening period. It is therefore contrary to policies DM5, DM10, DM11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

63 APP/18/00736 - Trees r/o 19 The Parchment and 20 South Street, Havant

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

Proposal: Crown raise 1No. Lime (T1) to 8m, subject to TPO 1509 and crown reduce 1No. Beech (T2) by 3m in height and 2m from laterals, subject to TPO 0797.

The Committee considered the written report and recommendation of the Head of Neighbourhood Support to grant consent.

In response to questions from the Committee, the officers advised that the proposed work would have no impact on the health or amenity value of the trees.

During the debate, the Committee expressed their support for the application, however members requested a variance to Condition 1 that sought to ensure that tree works be carried out in balanced fashion. It was therefore

RESOLVED that Application APP/18/00736 be granted consent subject to the following conditions:

- 1 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (2010) and to secure a balanced crown.
Reason: In the interests of tree health and safety.
- 2 The tree works for which consent is hereby granted shall be carried out and completed no later than 18/10/19.
Reason: To control the timing of the works.

64 APP/18/00449 - Aura House, New Road, Havant, PO9 1DE

Proposal: 2-storey extension to existing property to create additional separate individual office space.

The Committee considered the written report and recommendation of the Head of Planning to grant permission subject to legal agreement.

The Committee received supplementary information, circulated prior to the meeting, which advised that Conditions 2, 7 and 8 had been updated.

During the meeting, the Committee were advised that in addition, a corrected elevation plan had been received and would be included in the list of approved plans at Condition 2.

RESOLVED that Application APP/18/00449 be granted permission subject to:

- (A) the completion of a S106 Legal Agreement to ensure that this permission is a mutually exclusive alternative to planning permission APP/17/00972; 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:

Location Plan Drawing No. C3295-01 Rev A
Block Plan Drawing No. C3297-02 Rev B
Proposed Elevations Drawing No. C3297-6 Rev F
Proposed First Floor Plan Drawing No. C3297-3 Rev E
Proposed Ground Floor Plan Drawing No. C3297-4 Rev E
Design and Access Statement & Supporting Documentation
Revision B dated 4th October 2018

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, the building hereby permitted shall not be converted for residential occupation.

Reason: In the interests of the living conditions of any future occupants 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.

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and 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.

- 5 The car and cycle 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 extension 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 DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has undertaken an appropriate assessment and submitted remediation method statement to the local planning authority detailing how this unsuspected contamination shall be dealt with. Written approval for the remediation method statement shall be obtained from the local planning authority prior to implementation, and the remediation shall be implemented as approved.
Reasons: To ensure that no contamination sources exist or remain on the application site that may pose an unacceptable risk to future site users, offsite residential land uses, buildings, potable supplies or other services 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 and the National Planning Policy Framework.
- 7 The floor levels of the proposed extension shall match those of the adjacent part of the building to which it is attached unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 Any additional areas of hardstanding shall match the existing brick blockwork hardstanding areas in form colour and texture unless otherwise agreed 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 the above specification or any variation that has been agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9 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.

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/or 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.

- 10 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 a B1(a) Office Accommodation; and for no other purposes within Class B of the above Use Classes Order.

Reason: In the interests of amenity and highway safety and having due regard to Policies CS16 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, the ground floor window in the north east elevation shall be fitted with:
(i) non-opening lights, or opening restrictors the details of which are to be first agreed in writing with the Local Planning Authority; and

(ii) textured glass, which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent).

The window shall be retained in that condition at all times 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 No above ground construction works shall take place until a rear window has been installed to No.2 New Lane in the position shown on drawing no. C3297-02 Rev B.

Reason: In the interests of the residential amenities of the neighbouring property and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

The meeting commenced at 5.00 pm and concluded at 6.46 pm

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Chairman