

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 5 March 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast and Lloyd

Other Councillors Present:

Councillor(s): Robinson and Turner

12 Apologies for Absence

There were no apologies for absence.

13 Minutes

RESOLVED that the minutes of the meeting of the Development Management Committee held on 23 January 2002 were signed and agreed as a correct record subject to the addition of the following paragraph to Minute 5:

(a)(11) there was a lack of supplementary evidence to support the allocation of the site within the emerging Local Plan.

14 Site Viewing Working Party Minutes

The minutes of the Site Viewing Working Party held on 27 February 2020 were received.

15 Declarations of Interest

Councillor Crellin advised that since the last meeting when this Committee considered application APP/19/00427, concerns had been raised that Councillor Robinson passed her a note during the meeting and that she spoke to Councillor Robinson during the recess. Councillor Crellin pointed out that the note was returned to Councillor Robinson unread and although she spoke to him during the recess it was about a personal matter and did not relate to application APP/19/00427.

She reassured members that she had not reached a conclusive view on this application and had an open mind.

16 Chairman's Report

The Chairman advised members of the Committee that a decision made by the Deputy Leader of the Council relating to the Hayling Island Traffic Assessment Addendum would be scrutinised by the Operations and Place Shaping Board on Tuesday 10 March 2020.

17 Matters to be Considered for Site Viewing and Deferment

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

18 APP/19/00427 - Land at Lower Road, Havant

(The site was viewed by the Site Viewing Working Party on 5 December 2019 and 27 February 2020)

Proposal: Development of 50 new dwellings together with access, landscaping and open space.

Further to Minute 5/1/2020, the Committee considered the revised written report, an update report and recommendation from the Head of Planning to grant permission.

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

- (1) the minutes of the Site Viewing Working Party held on 27 February 2020;
- (2) a copy of a statement submitted by Councillor Smith, a ward councillor;
- (3) a copy of a deputation submitted by Mr Tate relating to the meeting held on 23 January 2020;
- (4) additional information requested by the Site Viewing Working Party held on 27 February 2020;
- (5) an amendment to the officer's recommendation and condition 2; and
- (6) additional conditions relating to the tree belt and the permission path.

The Committee was addressed by the following deputees:

- (a) Mr Tate, on behalf of the Bedhampton Heritage Alliance and local residents, who with reference to his previous deputation, made the following additional comments to support his objections to the proposal:
 1. the application was an attempt to gain permission before the inclusion of the site within the emerging Local Plan (including its impact on heritage assets) could be tested at the forthcoming Inquiry and as a result the application process had been rushed through without sufficient evidence or documentation to show that the development was sustainable which was contrary to the National Planning Policy Framework and the policies of the draft Local Plan;

2. the report indicated that the Council had met its housing supply. Therefore, the reason for hastening this application on grounds of housing supply did not apply in this case;
4. The ITransport traffic forecasts underestimated the impact the traffic likely to be generated by the proposal would have on the mini roundabout at Bedhampton Hill and its junction with Brookside Road. The mini roundabout was, at the time of the meeting, at full capacity and the junction forecasted to be at full capacity within four years. The roundabout and junction would not be able to cope with the additional traffic likely to be generated by the proposed development and as result his proposal would:
 - (i) add to the existing traffic queues associated with Bedhampton Hill min- roundabout and
 - (ii) encourage vehicles to use alternative roads in the Old Bedhampton Conservation Area as “rat runs” to the detriment of the amenities of the area and adding to safety concerns.
5. the analysis concentrated on “capacity” and did not adequately address the existing or potential hazards of using Lower Road, Bedhampton and adjoining highways;
6. The treatment of this application compared to application APP/19/01083 was inconsistent. To be consistent, based on size and significance, this proposal could not be regarded as less than substantial;
7. the proposed development adopted a similar uninspiring layout across the entire site. There should be a noticeable change in layout (spacing and character) in that part of the development fronting the Old Manor Farm buildings to respect the fact that these buildings formed part of the Conservation Area;
8. the development did not propose to use high-quality materials, which would be expected for a development situated close to a Conservation Area;
9. the true width of Narrow Marsh Lane (3.6m at full width) had not been take into account by the applicants or correspond with route to be considered by the Hampshire County Rights of Way Team. As a result, the development would be built over part of this historic route to the harbour;
10. the proposal does not set out the balance between harm and public benefit; and

12. the development would have a cumulative substantial harm: to the nearby heritage assets; the open rural setting and amenities of the Conservation Area; the ecology of the area and existing wildlife habitats; Narrow Marsh Lane; the Old Manor Farm buildings and through highways safety concerns.

In response to questions raised by Members of the Committee, Mr Tate advised that:

- The route of Narrow Marsh Lane to Langstone harbour was currently blocked by the A27. However, this route could be reconnected.
- Members of the public could not currently use Narrow Marsh Lane as the landowner had prevented access to this route. A claim for a right of way across this lane had been made to Hampshire County Council's Rights of Way Section.
- A number of documents had not been submitted to support the proposal such as an archaeological report

(b) Mr Johnson who, on behalf of the applicant, advised that the applicant had recently been acquired by Vivid Housing Association. Mr Johnson supported the officer's report and made the following additional comments:

1. the proposal had been submitted after extensive public consultation and amended to address concerns raised during this consultation period and at the pre-application stage;
2. 30 representations supported the application;
3. the statutory consultees had not objected to the proposal;
4. the emerging Local Plan had identified the application site as suitable for development of 50 houses;
5. the proposal was in accordance with the Council's policies;
6. the proposal sought, where possible, to retain the existing hedgerows;
7. the proposal would provide open spaces and a community orchard;
8. the Old Bedhampton Conservation Area had been respected;
9. there was no definitive right of way across the application site. Should Narrow Marsh Lane be registered as public right of way, this would not affect the proposal; and

10. the route of Narrow Marsh Lane was based on archaeological and cartographical evidence.

In response to questions raised by Members of the Committee, Mr Johnson advised that:

- The affordable housing would be managed by Vivid Housing Association.
- Some of the bungalows would form part of the affordable housing allocation.
- The representations of support were received following the public exhibition.
- Details on the use of the site by wildfowl was supplied by an independent consultant and had been accepted by the County Ecologist and Natural England.
- The applicants relied upon the advice of Education Authority regarding the capacity of local schools to accommodate the proposal.

(c) County Councillor Fairhurst, who objected to the proposal for the following reasons:

1. the application site had been considered and removed from the Local Plan in 2014;
2. the proposal would exacerbate the existing dangers to children and pedestrians using Lower Road. It was doubtful that Children would use the proposed route to travel to and from school;
3. the proposal would have a harmful impact on an area of historical significance for the local area and the Borough as a whole;
4. the proposal, if granted, would create an undesirable precedent which would make it difficult for the Council to refuse further applications for development of other fields within the area; and
5. the site should not be developed to enable future generations to benefit from this tranquil part of the Borough.

(d) Councillor Robinson, who objected to the proposal for the following reasons:

1. there were more suitable sites within the Borough to enable the Council to meet its housing supply targets;

2. the reasons for removing this site from the Local Plan in 2014 had not been surmounted;
3. the application was not supported by sufficient evidence;
4. the proposal would damage Narrow Marsh Lane, which was the subject of an application to the County Council to establish this Lane as a public right of way. There was concern that the route of this Lane had not been correctly identified by the applicant;
5. the roads leading to and from the site could not adequately accommodate safely the additional pedestrian traffic likely to be generated by this proposal.
6. the traffic likely to be generated by this proposal would add to the dangers of existing pedestrians using the roads to and from the application site;
7. the proposed footway improvements would not adequately address the hazards faced by current and additional pedestrian traffic likely to be generated by the proposal;
8. the assessment of the highway made by the County Council was unrealistic;
9. the transport statement was flawed;
10. it was understood that representations in support of the development were not submitted by residents of Bedhampton;
11. some of the proposed dwellings did not comply with policy H1 in the emerging local plan; this policy should be fully applied and not given limited weight as suggested by the officers in their report;
12. there was a conflict of interest between the proposed Housing Association and the applicant;
13. the proposal would have a detrimental impact on the nearby heritage assets and the Conservation Area;
14. consideration of the development of this site was premature as the inclusion of this site within the emerging plan had still to be considered at a forthcoming Local Plan Inquiry; and
15. the harm created by this proposal would outweigh any benefits

Councillor Robinson recommended that the application be refused for the following model reasons

- (i) R31
- (ii) R173
- (iii) R51

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

- Seven of the proposed private dwellings fell short of the nationally described space standards set out in Policy H1 (“the space standards”) of the emerging local plan depending upon the occupancy of these units. In view of the objections to Policy H1 received during the pre-submission consultation of the emerging local plan, the Committee was advised that only limited weight should be given to this policy at this stage.
- None of the affordable housing units fell below the space standards depending upon occupancy.
- the affordable housing units were a mixture of 2,3 and 4 bed properties.
- the decision not to comply with the space standards for some of the dwellings may have been made to make the dwellings more affordable to first time buyers or persons with lower incomes.
- The Education Authority had confirmed that the demand for school places likely to be generated by the development could be met by local schools without affecting existing pupils.
- Application APP/19/01083 had only recently been refused and the case had been passed to the enforcement team for action.
- Although the proposed site of the access would result a loss of some hedging there was plenty of new hedging proposed to accommodate this development.
- Condition 23 would ensure that the conifer trees on the eastern boundary would not be removed until the replacement planting had matured.
- Environmental Health had raised no objections in relation to noise arising from the traffic on the A27.
- Although the Council could request that a speed limit be considered to address the highway safety concerns, the outcome of this request would depend upon public consultation.
- The application site was classified as high quality agricultural land.

- In view of the objections to Policy H1 received during the pre-submission consultation of the emerging local plan, the Committee was advised that only limited weight should be given to this policy at this stage.
- The amount of weight the Council might give weight to relevant policies in the emerging plans depending upon the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the National Policy Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- Many factors had changed since the Inspector's decision to exclude the site from the Local Plan in 2014 to justify inclusion of this site in the emerging Local Plan e.g. changes to the housing supply target.

The Committee discussed this application in detail together with the matters raised by the deputees. During the debate the Committee was reminded that there was presumption in favour of development. Therefore, if the Committee was minded to refuse planning permission, it had to have sound planning reasons which related to the Council's Local Plan policies.

The Committee paid attention to the following concerns:

(i) Highway Safety and Impact on The Highway Network

The Committee acknowledged that as the Highway Authority had not raised any objections it would be difficult to justify refusal on these grounds;

(ii) The Impact on The Biodiversity Of The Site

The Committee acknowledged that although this was one of the reasons given by the Inspector for exclusion of this site from the Local Plan in 2014, the County Ecologist had, in this case, raised no objections. Therefore, it would be difficult to justify a reason for refusal on these grounds;

(iii) School Capacity

The Committee acknowledged that the Education Authority had advised that the demand for school places likely to be generated by this proposed could be met by local schools. Therefore, it would be difficult to justify refusal on these grounds;

(iv) Non-compliance with the Space Standards

Although the Committee acknowledged that 7 of the dwellings failed to meet the space standards set out in the merging plan, it considered that as these would be private dwellings, it was a matter for potential buyers to consider; and

(v) Impact on the Old Bedhampton Conservation Area

The Committee acknowledged that the design of this scheme was of a high quality. However, it considered that the benefits of the scheme did not outweigh the adverse effect it would have on the character, appearance and setting of the Old Bedhampton Conservation Area due to its scale and the loss of the agricultural land.

(the meeting adjourned at 6.55 pm to enable the officers to prepare a reason for refusal based on the concerns of the Committee. The meeting resumed at 7.04pm. members of the Committee retired to a separate meeting room during this recess)

It was therefore, unanimously RESOLVED that Application APP/19/00427 be refused for the following reason

- 1 The proposed development would adversely affect the open character and appearance of the setting to this part of the Old Bedhampton Conservation Area by reason of the scale of the development and the loss of agricultural land which provides a setting to the Conservation Area. These adverse effects are not outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

19 APP/19/01131 - Land Adjacent to Mandai, St Peters Road, Hayling Island

(The site was viewed by the Site Viewing Working Party on 30 August 2018)

Proposal: Use of land for touring holiday/tourism caravan site and erection of utility block (resubmission)

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

The Committee was addressed by Councillor Turner who objected to the proposal for the following reasons:

- a) the proposal would be out of keeping with the character and appearance of the village;
- b) the proposal was contrary to Local Plan Policies CS16 and CS17 and the National Planning Policy Framework;

- c) there were sufficient caravan sites nearby;
- d) the proposal would be detrimental to the rural character and the visual amenities of the area; and
- e) the area frequently flooded and was defined as a flood risk area by the Environment Agency

Councillor Turner requested that, if the Committee was minded to grant permission, it impose an additional condition requiring the removal of all caravans from the site during the period October to April in any year to prevent the permanent siting of caravans in this locality.

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

- The utility block would include a shower and toilet.
- restricting the time a caravan could remain on the site (Condition 3) was considered more appropriate than imposing a seasonal restriction on the site.
- Arrivals and departures would be recorded in a register.
- The site was connected to the public drainage and electricity networks.

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

The Committee noted with regret that the Inspector had rejected their previous reasons for refusal for the proposed use and acknowledged that, in view of this decision, it could not justify refusing the application for these reasons.

The Committee discussed the possibility of only granting a temporary permission, however, it acknowledged that there were no reasonable grounds for granting such a permission.

With regard to imposing a seasonal restriction, the Committee considered that Condition 3 was more appropriate in this case.

A majority of the Committee considered that:

- (i) in view of the appeal decision;
- (ii) the presumption to grant permission for sustainable development; and
- (iii) as Condition 11 overcame the Inspector's decision to refuse the previous application for development of this site

there were no planning reasons for refusing this application. It was therefore,

RESOLVED that the Head of Planning be authorised to grant permission for application APP/19/01131 subject to 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 and details:

PROPOSED BLOCK PLAN HAYLING 02
SITE PLAN - HAYLING 03 Rev D
LOCATION MAP - HAYLING 04 Rev D
Proposed elevations of utility block HAYLING 05
Flood Risk Assessment dated 21 December 2017
Transport Statement
Ecological Assessment of Impacts on Brent Geese Report - January 2018
Planning statement

Reason: - To ensure provision of a satisfactory development.

- 3 The holiday accommodation hereby approved shall not be occupied by any person, group or their dependants, for a period of more than four calendar weeks in any twelve month period. A register of the occupancy of the unit shall be maintained and kept up-to-date by the operator of the units, that shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). The register shall record the arrival and departure dates of all occupiers..

Reason: To ensure that control over the development and that the caravans do not become separate residential dwellings in accordance with policy DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and NPPF.

- 4 There shall be no more than 3 touring caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on the site at any time,

Reason: To ensure that control over the development and that level of development on the site, given its sensitive location in accordance with policies DM4, DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014.

- 5 No development shall take place until a Site Development Scheme has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on any of the previously submitted plans, the Site Development Scheme shall include details of:
- (a) the positioning of the proposed touring caravans;
 - (b) all boundary treatments;
 - (c) all parking and hardstanding areas;
 - (d) all external lighting;
 - (e) any proposed new landscaping, planting, seeding or turfing;
 - (f) the proposed means of foul water disposal; and
 - (g) a timetable for the implementation of the above works.

The approved Scheme shall have been carried out in full, and completed in accordance with the approved timetable. unless otherwise agreed in writing by the Local Planning Authority. Following the implementation of the approved Site Development Scheme specified in this condition, the works thus carried out shall thereafter be retained and maintained and shall remain in use throughout the lifetime of the development.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 6 Prior to the use commencing any gates or other obstruction to the passage of vehicles on the access shall be a minimum of 12m measured from the nearside edge of carriageway of the adjacent highway.

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 the use hereby permitted commencing the access shall be improved as indicated on the approved plan HAYLING 03 REV D by the provision of a 4m. radius on the north side and visibility splays of 2.4m. x 33m. to the north and 43m. to the south. Anything other than street furniture shall be removed from the splays and they shall be maintained at all times thereafter.

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.

- 8 Development shall proceed in accordance with the ecological mitigation measures detailed within the Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be permanently retained and maintained in accordance with the agreed details

Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011, in order to provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, NPPF, Policies DM23 and DM24, CS21 of the Havant Borough Local Plan (Allocations) 2014, and the NPPF.

- 9 Prior to the occupation of any relevant part of the permitted development, a Flood Warning and Evacuation Plan to ensure the safety of residents/occupiers in the event of a flood or tidal occurrence shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the approved details.

Reason: To ensure the safe evacuation of residents in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 Prior to the commencement of development, details including methods of protection in order to protect the public sewer which runs across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure adequate provision for drainage in accordance with the NPPF and in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 11 The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;

- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

The meeting commenced at 5.00 pm and concluded at 7.35 pm

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Chairman