

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 9 January 2020

Present

Councillor Mrs Shimbart (Chairman)

Councillors Crellin, Howard, Keast, Lowe, Patel (Standing Deputy) and Patrick (Standing Deputy)

Other Councillors Present:

Councillor(s): Satchwell, Raines and Turner

44 Apologies for Absence

Apologies for absence were received from Councillors Lloyd and Satchwell.

45 Minutes

The Minutes of the meeting of the Development Management Committee held on 21 November 2019 were agreed as a correct record and signed by the Chairman.

46 Site Viewing Working Party Minutes

The Minutes of the meetings of the Site Viewing Working Party held on 5 December 2019 and 6 January 2020 were received.

47 Declarations of Interest

The Chairman reminded the Committee that Councillor Satchwell had declared at previous meetings a conflict of interest in applications APP/19/00279 and APP/19/00803, which was why she was not in the Chair for this meeting.

48 Chairman's Report

The Chairman advised members of the following meetings to be held in January 2020:

- (a) Site Viewing Working Party – 16 January 2020 -12.30 pm;
- (b) Development Management Committee – 23 January 2020 -5.00 pm (provisional); and
- (c) Development Management Committee – 27 January 2020 – 5.00 pm.

49 Matters to be Considered for Site Viewing and Deferment

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

50 APP/19/00279 - 50-56 Creek Road, Hayling Island

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

Proposal: Addition of first floor to create 2No. two bed flats.

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

A street scene from Creek Road requested by the Site Viewing Working Party held on 5 December 2019 was circulated prior to the meeting. The Committee was advised that the applicant's agent had stated that it had not been possible to do a similar "street scene" to Guillemot Place as that would necessitate access onto a private road, which he did not have permission to do.

The Committee was addressed by the following deputees:

- (a) Mr Meech, who objected to the application for the following reasons:
 - (i) the proposed development by reason of its height would be detrimental to the visual outlook and amenities to the occupiers of 58 Creek Road;
 - (ii) although there were two storey buildings on the western side of the Creek Road, a precedent had been set requiring properties on the eastern side of the road to be single storey;
 - (iii) the proposed additional parking would exacerbate the existing parking problems in the area;
 - (iv) the proposal would adversely affect the light available to the bedroom on the southern side of 58 Creek Road. It was acknowledged that this room also had a window on the western side of the property. However, the window on the southern side was the main source of light for this room; and
 - (v) the proposal would adversely affect the light available to the utility room on the southern side of 58 Creek Road

- (b) Mrs Bentley, who on behalf of the occupier of 4 Kittiwake Row, objected to the proposal for the following reasons
 - (i) although the shop had a right of access to the rear parking area, it had not been established whether this right extended to the potential occupiers of the proposed additional flats. The proposal included bin storage in this area, and this would add to general wear and tear;
 - (ii) structural work had already started;

- (iii) The proposal included elements that overhung property outside the applicant's control;
- (iv) The proposal would remove parking currently provided for the shop, which would lead to more on-street parking to the detriment of road users;
- (v) 90% had objected to the proposal; and
- (vi) The proposal would have detrimental impact of the visual outlook and privacy of the occupiers of adjoining residential properties.

In response to questions from Members of the Committee, Mrs Bentley:

- (1) clarified that 90% of the representations received objected to the proposal; and
 - (2) the parking bays allocated to occupiers and visitors of Kittiwake Row were used.
- (c) Mr Oliver, on behalf of the applicant, supported the application on the following grounds:
- (i) the shop was a valued local asset and the proposal would enable it to continue;
 - (ii) the proposal was in accordance with government guidance and the Local Plan;
 - (iii) the height of the development would be in keeping with Kittiwake Row, which was two and half stories high;
 - (iv) the proposal had been designed to avoid overlooking and loss of light to adjacent residential properties;
 - (v) the proposal had been designed with a shallow pitched roof to reduce the impact of the proposal on neighbouring properties;
 - (vi) the proposal included adequate parking provision;
 - (vii) the Highway Authority had not objected to the proposal; and
 - (viii) the proposal would improve the appearance of the area.

In response to a question raised by a Member of the Committee, Mr Oliver advised that he understood that the applicant proposed to rent the proposed flats.

- (d) Councillor Turner, who on behalf of residents, objected to the proposal for the following reasons:

- (i) the proposal would exacerbate the existing problems of overshadowing currently experienced by adjacent residential properties;
- (ii) the proposed two storey development which would stretch across virtually the whole width of the plot resulting in a loss of space about the building to the detriment of the visual amenities and spatial characteristics of the street scene and overshadowing and loss of light and outlook to the occupiers of neighbouring properties;
- (iv) the proposal would result in an excessive building bulk adjacent to residential properties, which would be detrimental to the visual outlook and amenities of the occupiers of these properties; and
- (v) the proposal was an over-intensive use of the site which would have an adverse effect on the amenities of occupiers of adjoining properties.

Councillor Tuner recommended that the application be refused for the following model reasons:

- (A) R37;
- (B) R26; and
- (C) R28.

Councillor Turner requested that if the Committee was minded to grant permission, to impose model condition D20 requiring obscured glazing to be installed on windows on the rear elevations.

In response to questions raised by Members of the Committee, officers advised:

- (1) on the position of the parking spaces for the proposed flats;
- (2) that the issue over access rights were not a material planning consideration. However, it was understood that the applicant had access rights to the parking spaces at the rear of the proposal;
- (3) that an assessment on the potential light impact on 58 Creek Road had been undertaken and it was considered that the potential loss of light would not warrant a refusal due to the separation distance of the proposed development and 58 Creek Road and the fact that the bedroom affected also received light from a window on the western elevation;

- (4) that the applicant had declared that the proposal would overhang land outside her ownership and that appropriate notices had been served on the owners of the land affected;
- (5) that the siting, design and number of bins were subject of a proposed condition. The position of bins for the store were not blocking the proposed rear parking spaces at the time of the officers site visit; and
- (6) in view of the nature of business of the shop and the availability of on and off street parking spaces nearby, it was considered that the proposal (including a shortfall of on-site parking places) was unlikely to significantly inconvenience local residents such as to warrant a refusal of planning permission.

The Committee discussed the application in detail and a majority of the Committee considered that:

- (A) although there would be a loss of light to windows on the south elevation of 58 Creek Road, this was not sufficient to justify a reason for refusal;
- (B) the impact on the character and appearance of the area and on neighbours' residential amenities was acceptable;
- (C) the impact of the proposal on highways and parking in the area was not significant enough to warrant a refusal;
- (D) in view of the separation distances between adjoining existing properties and the proposed development and the measures introduced to mitigate potential overlooking issues, there would be no overlooking; and
- (E) the concerns raised about bin storage would be adequately addressed by condition 10.

It was therefore

RESOLVED that planning application APP/19/00279 be granted permission 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:

Location Plan Drawing No.14 Rev I
Block Plan Drawing No. 13 Rev I

Parking Plan Drawing No. 11 Rev I
Proposed Elevations Drawing No. 06 Rev I
Proposed Floor Plans Drawing no. 04 Rev I

Reason: - To ensure provision of a satisfactory development.

- 3 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.

- 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 a full specification of the materials to be used externally on the building(s) 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.

- 6 No additional or repositioned extract vents, chiller units, air conditioning or other noise making equipment shall be installed on the building unless and until, a scheme showing details of the equipment, its design and its operation including manufacturer's operating instructions and a programme of equipment servicing/maintenance has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use of any such equipment first takes place and shall remain operational thereafter.

Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property 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 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 policies DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The three windows at 1st floor level in the east facing elevation of the building serving the communal staircase, bathroom and Entrance/Hallway to flat 2 and annotated as obscure glazed on drawing No. 04 Rev I Shall:-
- (i) consist of at least two lights divided horizontally with only the top light capable of being opened, and shall be maintained in that condition at all times; and
 - (ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

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 2018.

- 9 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; all measures necessary to meet the agreed water efficiency calculation must be installed before first occupation and retained thereafter;
- 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

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.

- 10 The development hereby permitted shall not be occupied unless and until details of bin stores have been submitted to and approved in writing by the Local Planning Authority and thereafter provided and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and future occupants having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The bike storage area shown on the approved plan shall be provided prior to the occupation of the flats and shall thereafter be kept available for the storage of four bikes.

Reason: To ensure that non-car based travel options are available to the future residents in the interests of sustainability and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Parking SPD 2016 (as amended) and the National Planning Policy Framework.

- 12 The dwellings hereby permitted shall not be occupied unless and until details in relation to the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, to meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB LAeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the future occupants of the proposed Dwellings and to ensure the residential amenity of the properties is not impacted upon by any internal or external noise sources, including any noise that may arise from the commercial premises on the ground floor or to the rear of the site having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework..

- 13 No external lighting shall be installed at the site in relation to the residential uses hereby permitted unless and until details are submitted to and approved in writing by the Local Planning Authority. Any lighting so approved shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect the occupants of nearby residential properties from any 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.

51 APP/19/00803 - Telecommunications Mast, Fishery Lane, Hayling Island

(The site was viewed by the Site Viewing Working Party on 6 January 2020)

Proposal: Removal of Condition Nos 1 and 2 of planning permission APP/18/0116 relating to Cypress Leylandii planting.

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

The Committee was addressed by the following deputies:

- a) Ms O'Leary, who, with reference to the history of the problems that have arisen over the siting of the telecommunications mast, advised that although she had no objection in principle to the mast, the current lack of tree screening had a detrimental impact on her visual outlook and amenities and devalued her property; and
- b) Councillor Satchwell who supported Ms O'Leary and, with reference to the history of the discussions between, the Council, the applicant, Southern Water, residents and herself, recommended the Committee to refuse the application and to authorise enforcement action.

In response to a question raised by a member of the Committee about the health and safety aspects of the mast, Councillor Satchwell advised that the residents did not object to the principle of a mast being sited nearby.

In response to concerns raised during the debate and questions about the current siting and planning history of the mast, the Committee was reminded that the current position of the mast had been approved by the Council and that the Committee was required to solely address the applicant's request for the removal of Condition Nos 1 and 2 of Planning Permission APP/18/0116.

The Committee discussed this application in detail and considered that the height of the mast, its prominence and proximity to neighbouring properties was such that effective screening was required to protect the amenities of these properties. It was therefore

RESOLVED that planning application APP/19/00803 be refused for the following reason:

The development, without the provision of effective screening, due to its height, prominence and proximity to neighbouring properties, results in an overbearing structure to the detriment to the amenities of those properties, contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

The meeting commenced at 6.00 pm and concluded at 7.35 pm

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Chairman