

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
HAMPSHIRE P09 2AX



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DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

Membership: Councillor Satchwell (Chairman)

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

Standing Deputies: Councillor David Guest, Councillor Husky Patel, Councillor Diana Patrick, Councillor Julie Thain-Smith and Councillor Joanne Thomas

Meeting: Development Management Committee

Date: 9 January 2020

Time: 6.00 pm

Venue: Hollybank Room, Public Service Plaza, Civic Centre Road,
Havant, Hants PO9 2AX

The business to be transacted is set out below:

David Brown
Monitoring Officer

20 December 2019

Contact Officer: Mark Gregory 023 9244 6232
Email: mark.gregory@havant.gov.uk

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PART A - (Items Open for Public Attendance)

1 Apologies for Absence

To receive and record apologies for absence.

2 Minutes

1 - 8

To approve the minutes of the Development Management Committee



held on 21 November 2019.

3 Site Viewing Working Party Minutes 9 - 12

To receive the minutes of the Site Viewing Working Party held on 5 December 2019 and 6 January 2020.

(The minutes of the meeting to be held on 6 January to follow)

4 Declarations of Interest

To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting.

5 Chairman's Report

The Chairman to report the outcome of meetings attended or other information arising since the last meeting of the Committee.

6 Matters to be Considered for Site Viewing and Deferment

The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.

7 Applications for Development and Development Control Matters

Part 1 - Applications Viewed by the Site Viewing Working Party

7(1) APP/19/00279 - 50-56 Creek Road, Hayling Island 13 - 60

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

(Viewed by Site Viewing Working Party on 5 December 2019)

[Additional Information](#)

7(2) APP/19/00803 - Telecommunications Mast, Fishery Lane, Hayling Island 61 - 74

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

[Additional Information](#)

GENERAL INFORMATION

IF YOU WOULD LIKE A VERSION OF THIS AGENDA IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 92 446 231

Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: www.havant.gov.uk. Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Mark Gregory (tel no: 023 9244 6232)* on the afternoon prior to the meeting for details of any amendments issued.

Public Attendance and Participation

Members of the public are welcome to attend the Public Service Plaza and observe the meetings. If you wish to address the Committee on a matter included in the agenda, you are required to make a request in writing (an email is acceptable) to the Democratic Services Team. A request must be received by 5pm on **Tuesday, 7 January 2020**. Requests received after this time and date will not be accepted

In all cases, the request must briefly specify the subject on which you wish to speak and whether you wish to support or speak against the matter to be discussed. Requests to make a deputation to the Committee may be sent:

By Email to: mark.gregory@havant.gov.uk or DemocraticServices@havant.gov.uk

By Post to :

Democratic Services Officer
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant, Hants P09 2AX

marked for the Attention of the "Democratic Services Team"



Havant

BOROUGH COUNCIL

PROTOCOL AT MEETINGS – RULES OF DEBATE

Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman
- Councillors may only take part in the debate if they are present at the meeting: video conferencing is not permissible
- A member of the Committee may not ask a standing deputy to take their place in the Committee for part of the meeting
- The report or matter submitted for discussion by the Committee may be debated prior to a motion being proposed and seconded. Recommendations included in a report **shall not** be regarded as a motion or amendment unless a motion or amendment to accept these recommendations has been moved and seconded by members of the Committee
- Motions and amendments must relate to items on the agenda or accepted by the meeting as urgent business
- Motions and amendments must be moved and seconded before they may be debated
- There may only be one motion on the table at any one time;
- There may only be one amendment on the table at any one time;
- Any amendment to the motion can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the motion.
- The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time
- Once duly moved, an amendment shall be debated along with the original motion.
- If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion on which any further amendment may be moved.
- If an amendment is rejected different amendments may be proposed on the original motion or substantive motion.
- If an amendment is lost, other amendments may be moved to the original motion or substantive motion
- If an amendment is lost and there are no further amendments, a vote will be taken on the original motion or the substantive motion
- If no amendments are moved to the original motion or substantive motion, a vote will be taken on the motion or substantive motion
- If a motion or substantive motion is lost, other motions may be moved

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the

item;

- An amendment must be voted on before the motion
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A Councillor may request that his/her vote be recorded in the minutes

Who To Contact If You Wish To Know The Outcome Of A Decision

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)

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Emergency Procedure

Please ensure that you are familiar with the location of all emergency exits which are clearly marked. In the unlikely event of an emergency an alarm will sound.

PLEASE EVACUATE THE BUILDING IMMEDIATELY.

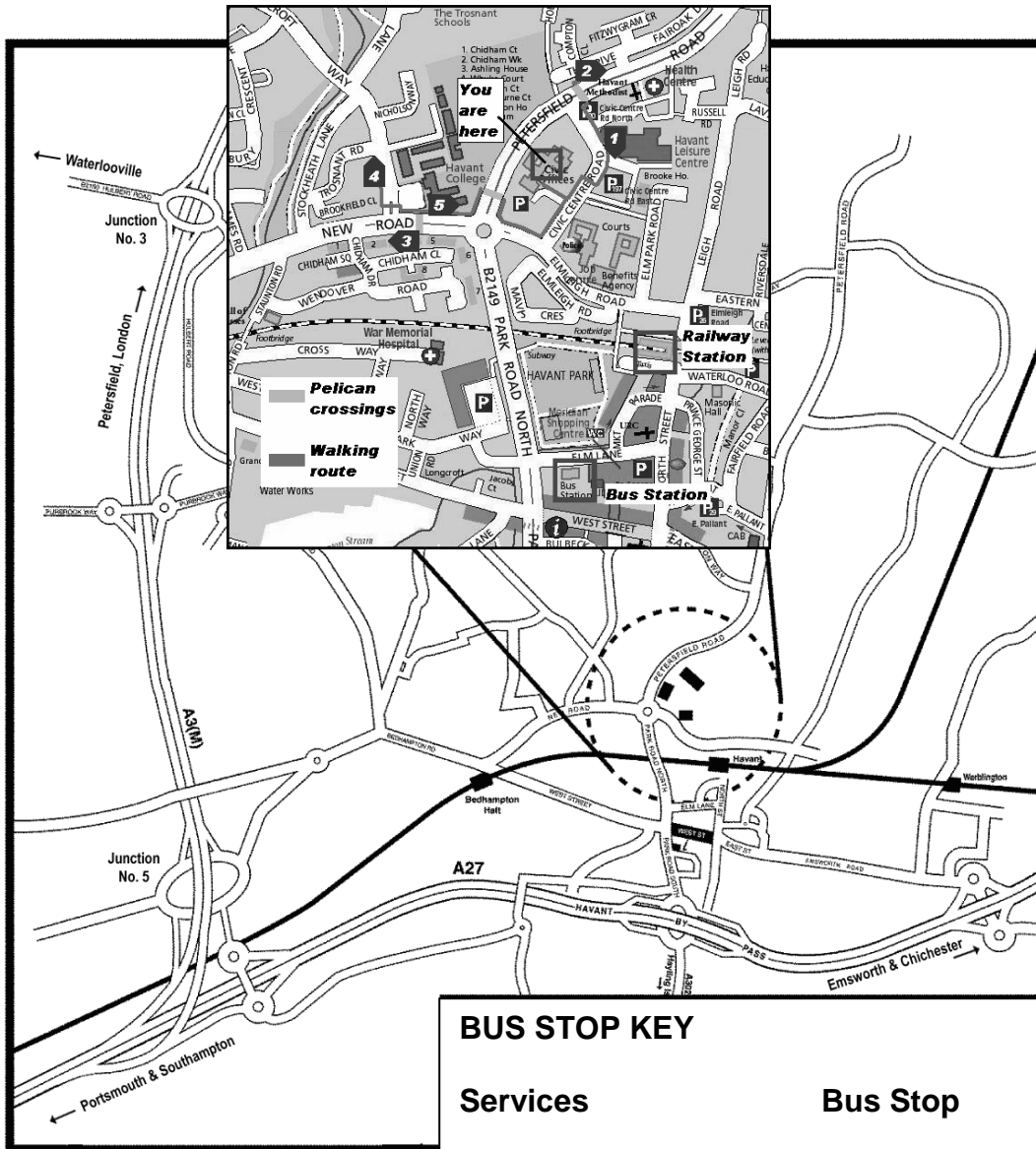
DO NOT RE-ENTER THE BUILDING UNTIL AUTHORISED TO DO SO

No Smoking Policy

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Parking

Pay and display car parking is available in the Leisure Centre car park opposite the Civic Offices as shown on the attached plan.



BUS STOP KEY

Services	Bus Stop
20, 21, 39, 63	1
20, 21, 36**, 39	2
23, 36**	3
23, 27**, 37	4
23, 27**, 36**, 37	5

** - also stops "hail and ride" opposite Stop 1 in Civic Centre Road



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

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HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 21 November 2019

Present

Councillor Satchwell (Chairman)

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

Other Councillors Present:

Councillor(s): Thain-Smith and Hughes

37 Apologies for Absence

There were no apologies for absence.

38 Minutes

The Minutes of the meeting of the Development Management Committee held on 31 October 2019 were agreed as a correct record and signed by the Chairman.

39 Site Viewing Working Party Minutes

The Minutes of the meeting of the Site Viewing Working Party held on 14 November 2019 were agreed as a correct record.

40 Declarations of Interest

There were no declarations of interests.

41 Chairman's Report

The Chairman reminded members of the Committee that the meeting scheduled to be held on 12 December 2019 had been cancelled due to the General Election.

The Chairman advised that the provisional dates for future meetings in December were:

(a) 16 December 2019; and

(b) 19 December 2019.

42 Matters to be Considered for Site Viewing and Deferment

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

43 APP/19/00837 and APP/19/00834 - 59 and 61 Langstone Road, Havant

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

Application APP/19/00837

Proposal: Replacement of cottage, privy Style storage building, installation of gates in front wall and repointing of front wall.

Application APP/19/00834

Proposal: Listed Building Consent for replacement cottage, privy style storage building and repointing of front wall

The Committee considered the written reports and recommendations of the Head of Planning. The presentation submitted to the Committee by the case officer included the additional information requested by the Site Viewing Working Party.

The Committee received supplementary information, circulated prior to the meeting, which clarified that a Community Infrastructure Levy did not apply in this case as there was no additional floorspace proposed.

The Committee was advised at the meeting that the site plan had been revised since the agenda was published and that Page 67, condition 2, should now read

“Site Plan: Proposed – Drawing No.19008 120 E”

The Committee received the following deputations from Mr Critchley and Miss Roberts, the applicant’s agents. Mr Critchley, the applicant’s architect, reminded the Committee that the issue of how the existing properties were damaged was not a material consideration and that these buildings were never publicly owned or on public land nor of special interest. He further advised that these buildings should not be viewed as a public museum. Miss Roberts and Mr Critchley supported the applications as follows:

Miss Roberts

- (i) the proposal was not a restoration of the existing cottages so would need to meet modern Building Regulations and construction standards;
- (ii) the proposal had been the result of discussions with the Conservation Officer and planning officers;
- (iii) the proposal was sympathetic to the style of the existing cottages; and
- (iv) the proposal was supported by Hampshire Building Preservation Trust.

Mr Critchley

- (v) The existing buildings were not intrinsically important: the significance of the existing cottages were their setting and landscape value. Although the proposal would change the appearance of the existing cottages, they would not have a detrimental impact on the area as acknowledged by the Chichester Harbour Board and the Conservation Officer;
- (ii) the proposed replacement was within the same footprint of the existing cottages and of a similar height;
- (iii) it was not possible to rebuild the existing cottages;
- (iv) the proposal was sustainable and provided a more habitable dwelling.

With regard to an enforcement notices issued by the Council requiring the reinstatement of the existing cottages, Mr Critchley sought clarification that these notices would be withdrawn, if these applications were agreed by the Committee. Mr Critchley was advised that there was no intention to withdraw the notices in the event of the applications being approved by the Committee. However, the Council, if it wished, could enable parts of the notice to be waived. The Chairman reminded Members of the Committee that these enforcement notices were not a matter for consideration by the Committee.

In response to question by a member of the Committee, Mr Critchley gave details of his and Miss Roberts roles as agents for the applicant.

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

- (a) the conservation lights in the rear elevation of the proposed building would serve the same function as windows;
- (b) conservation lights were not an unusual feature in listed buildings and in this case had been approved by the Conservation Officer;
- (c) the site was within a low flood risk area (Flood Zone 1); and
- (d) the Fire Service had advised that the bricks of the current properties could not be reused.

The Committee discussed this application and the views raised by the deputees.

The Committee thanked the planning and enforcement officers and architects for their work in producing a proposal which was sympathetic to the area and an improvement on the current condition of the existing cottages.

RESOLVED that:

- (A) planning application APP/19/00837 be granted permission subject to the following conditions: **Page 3**

- 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:

Design, Access & Heritage Report: Phase V November 2019

Schedule of Materials - November 2019

Location & Block Plans: Drawing No. 19008 - 101 0

Site Analysis - Drawing No. 19008 - 102 0

Site Plan: Prior to Fire Damage - 19008 - 103 0

Ground Floor Plan: Prior to Fire Damage - Drawing No. 19008 - 205 0

First Floor Plan: Prior to Fire Damage - Drawing No, 19008 - 206 0

Second Floor Plan: Prior to Fire Damage - Drawing No, 19008 - 207 0

Ground Floor Plan: Post Fire Damage - Drawing No, 19008 - 215 0

Elevations: Prior to Fire Damage - Drawing No. 19008 - 305 0

Street Elevation Prior to Fire Damage -Drawing No. 19008 - 306 0

Privy Elevations: Post Fire Damage - Drawing No. 19008 - 315 0

Privy Elevations: Post Fire Damage - Drawing No. 19008 - 316 0

South Internal Elevation - Post Fire Damage - Drawing No. 19008 - 615 0

East Internal Elevation - Post Fire Damage - Drawing No. 19008 - 616 0

South West Sketch: Proposed - Drawing No. 19008 - 527 0

Site Plan: Proposed - Drawing No. 19008 - 120 E

Site Plan: Foul Drainage - Drawing No. 19008 - 122 0

Ground Floor Proposed Plan - Drawing No. 19008 - 425 0

First Floor Proposed Plan - Drawing No. 19008 - 426 0

Second Floor Proposed Plan - Drawing No. 19008 - 427 0

Street Elevation - Drawing No. 19008 - 526 B

Proposed Elevations - Drawing No. 19008 - 525 B

Proposed Privy Style Store Elevations - Drawing No. 19008 528 A

Boarded Entrance Doors - Drawing No. 19008 - 621 0

Door - Drawing No. 19008 - 622 0

Proposed Window W.01 - Drawing No. 19008 - 623 0

Proposed Window W.10 - Drawing No. 19008 - 624 0

Proposed Window W12- Drawing No. 19008 - 625 0

Proposed Window W13 - Drawing No. 19008 - 626 0

Conservation Roof Window - Drawing No. 19008 - 623 0
Construction Management Plan - Drawing No. 19008 - 121 A
Method Statement

Reason: - To ensure provision of a satisfactory development.

- 3 Prior to the occupation of any relevant part of the development hereby approved, an assessment of the nature and extent of contamination at the site shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall be undertaken by competent persons, and may comprise separate reports as appropriate. Unless specifically excluded in writing by the Local Planning Authority the assessment(s) shall include;

- 1) Site investigation appropriate to both the previous and approved use of the site, to provide sufficient data and information to adequately identify and characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified-, a Remediation Strategy that includes:
 - appropriately considered remedial objectives,
 - an appraisal of remedial and/or risk mitigation options, having due regard to sustainability, and;
 - clearly defined proposals for mitigation of the identified risks.
- 3) A verification plan outlining the evidence that will need to be collected to demonstrate that the works set out any Remediation Strategy required under (2) have been completed and that the remedial objectives have been met.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future residential occupants.

- 4 Prior to the occupation of any relevant part of the permitted development, an assessment report required in accordance

with Condition 3 shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous and current land uses (and/or activities) that could pose a risk to future site occupiers.

- 5 The car parking 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.

- 6 The foul and surface drainage shall be undertaken in accordance with approved drawing number 19008 - 122 0, 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 all the drainage provision in full accordance with approved drawing number 200C.

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.

- 7 Prior to occupation of the development permitted a soft landscaping scheme for the hardsurfaced area to the south of the site shall be submitted to and approved in writing by the Local Planning Authority. The 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 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, CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(B) That application APP/19/00834 be granted listed building consent subject to the following conditions:

- 1 The works to which this Listed Building Consent relate must be begun within a period of 3 years beginning with the date on which this consent is granted.

Reason: To comply with 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:

Design, Access & Heritage Report: Phase V November 2019
Schedule of Materials - November 2019

Location & Block Plans: Drawing No. 19008 - 101 0

Site Analysis - Drawing No. 19008 - 102 0

Site Plan: Prior to Fire Damage - 19008 - 103 0

Ground Floor Plan: Prior to Fire Damage - Drawing No. 19008 - 205 0

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Second Floor Plan: Prior to Fire Damage - Drawing No, 19008 - 207 0

Ground Floor Plan: Post Fire Damage - Drawing No, 19008 - 215 0

Elevations: Prior to Fire Damage - Drawing No. 19008 - 305 0

Street Elevation Prior to Fire Damage -Drawing No. 19008 - 306 0

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South West Sketch: Proposed - Drawing No. 19008 - 527 0

Site Plan: Proposed - Drawing No. 19008 - 120 D

Site Plan: Foul Drainage - Drawing No. 19008 - 122 0

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First Floor Proposed Plan - Drawing No. 19008 - 426 0
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Boarded Entrance Doors - Drawing No. 19008 - 621 0
Door - Drawing No. 19008 - 622 0
Proposed Window W.01 - Drawing No. 19008 - 623 0
Proposed Window W.10 - Drawing No. 19008 - 624 0
Proposed Window W12- Drawing No. 19008 - 625 0
Proposed Window W.14 - Drawing No. 19008 - 626 0
Conservation Roof Window - Drawing No. 19008 - 623 0
Construction Management Plan - Drawing No. 19008 - 121 A
Method Statement

Reason: - To ensure provision of a satisfactory development.

The meeting commenced at 5.00 pm and concluded at 5.47 pm

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Chairman

HAVANT BOROUGH COUNCIL

At a meeting of the Site Viewing Working Party held on 5 December 2019

Present

Councillor: (Chairman)

Councillors: Crellin, Lloyd, Mrs Shimbart (Vice-Chairman, in the Chair) and
Patel (Standing Deputy)

Other Councillor(s): Satchwell
Councillors

Officers: Mark Gregory, Democratic Services Officer
David Eaves, Principal Planner
Daphney Haywood, Senior Planner
Steve Weaver, Development Manager

David Eaves attended for Minute 8

Daphney Hayward attended for Minute 9

5 Declarations of Interests

Councillor Satchwell advised that she was acquainted with the applicant for APP/19/00279 (50-56 Creek Road, Hayling Island) and for the purposes of this meeting she would step down from being Chairman.

There were no other declarations of interests.

(Councillor Shimbart in the chair)

6 Apologies

Apologies for absence were received from Councillors Howard, Keast, and Lowe.

7 Minutes

The minutes of the meeting of the Site Viewing Working Party held on 14 November 2019 were approved as a correct record.

8 APP/19/00279 - 50-66 Creek Road, Hayling Island

(Councillor Satchwell took no part during the site visit of this application)

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

The site was viewed given a request by a ward member that this application be determined by the Development Management Committee.

Prior to the site visit the members attention was drawn to a similar development on the Sea Front, Hayling Island where an additional floor had been added to a single storey dwelling.

The Working Party was advised that the application had been called in by Councillor Turner.

The Working Party received a written report by the Head of Planning, which identified the following key considerations:

- (i) principle of development;
- (ii) impact upon the character and appearance of the area;
- (iii) impact upon residential amenity/Human Rights;
- (iv) highways and parking issues;
- (v) flood risk; and
- (vi) developer's contributions.

The applicant and her agent were present at the meeting for the viewing of the site to give technical advice only.

The Working Party viewed the site, the subject of the application, to assess whether there were any additional matters that should be considered by the Development Management Committee. The Working Party also viewed the site from:

- a) the rear gardens and side passage of 58 Creek Road, Hayling Island;
- b) the rear bedroom and rear garden of 4 Kittewake Road, Hayling Island;
and
- c) the front garden of 6 Guillemot Place, Hayling Island.

RESOLVED that, based on the site inspection and information available at the time, the following additional information be provided to the Development Management Committee:

- (1) a drawing showing the relative heights of the proposal and the existing nearby properties.

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

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

The site was viewed at the request of the Head of Planning.

The Working Party received a briefing note to inform members of the nature of development.

The agent was present at the meeting for the site visit to give technical advice.

The Working Party viewed the site, the subject of the application, to assess whether there were any additional matters that should be considered by the Development Management Committee. The Working Party also viewed:

- (a) a commercial development off Lower Road, Havant near to the development;
- (b) the street scene;
- (c) the site of the proposed access;
- (d) the site from Mill Lane, Havant;
- (e) the site from the rear garden of Manor Barn, Lower Road, Havant; and
- (f) the sites of the proposed highway improvements.

RESOLVED that, based on the information available at the time, no other information be made available to the Development Management Committee.

The meeting commenced at 12.30 pm and concluded at 2.53 pm

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Chairman

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HAVANT BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE 09 JANUARY 2020

Update sheet re APP/19/00279 – 50-56 Creek Road, Hayling Island, PO11 9RE

The Officer Report produced for the Committee previously scheduled for the 16th December 2019 is updated as follows:

Reason for Committee Consideration:

At the request of Councillor Leah Turner

3. Proposal

Additional information has been requested from the planning agent and the issues raised and the responses received are set out below:

1. *Concerns have been raised in relation to the overhang to the private parking court to the south. Please can you confirm the extent of the overhang on the current drawings of the side wall and the roof. If consent is not provided by the adjacent owners how would this be addressed. Please confirm the currently proposed first floor materials and the alternative first floor material that would avoid overhanging.*

As the construction, and in particular the foundations, of the current building are unknown at this time, the presumption is that the upper floor will be of a timber frame construction, clad in tiles to reduce loading. As is normal the bottom line of tiles would kick out to avoid water running down the walls.

Officer Comment: *The details of materials would be controlled by condition.*

2. *In relation to the construction phase, please confirm whether construction could take place without encroachment over the car park (for example by scaffolding). If so what would the method of construction be?*

Encroachment onto adjoining land would be kept to a minimum. As it is not my clients intention to commence immediately negotiations with regard to scaffolding etc have not yet been held. Options such as cantilevering the scaffolding and building over-hand may have to be considered.

Officer Comment: *The construction phase requirements would be a matter for the parties.*

3. *Private rights concerns are highlighted by third parties in the Committee Report. Please confirm whether the applicants rights would allow for the rear two residents car parking spaces to be accessed across the private car park. The rights beyond those to access the shop have been questioned.*

I attach copies of the Title Deeds which show the applicant has rights to access the rear of the property.

Officer Comment: *The details of land rights are primarily a private legal matter between the parties.*

Outcome of the Site Viewing Working Party visit held on 5th December 2019

Information requested:

The Site Viewing Working Party requested details of the relative heights of the proposed building in relation to the surrounding properties. Outline sections to show 58 Creek Road, the new development at 50-56 Creek Road and Kittiwake Row together with a section to include the application proposal and the property to the rear 6 Guillemot Place with the intervening building have therefore been requested.

The planning agent has advised that the relative height of the new build and the adjoining properties should be provided early in the New Year. Members will be updated in due course.

5. Statutory and Non Statutory Consultations

Building Control

Location of solid waste storage provisions not shown

Means of escape compliance with Approved Document B can be achieved

Building Regulation application will be required for this work

Officer Comment: *A condition is recommended in relation to bin storage.*

6. Community Involvement

6.1 Objections:

Members are advised that the representations made in relation to the proposed development are available to view in full on the Council's Website. Detailed below is one further objection received and officer comments in relation to the previous summary of objections.

One further objection received:

Representation received from tenant of the workshop, land to north side and rear of proposed site. States his Father is managing director of Loyal Manor Properties Ltd the company that owns the unit and access drive. Comments made from tenant as follows:

No permission for proposed development sought and we note the proposed development overhangs our land to north and east elevations. We do not give our consent for proposal which may not be constructed as per the plans.

Concerned that currently my access is blocked at least once a day by customers for shop and lorries making deliveries, this will get worse with less parking available.

Parking allocated for flats is used by staff for the shop so that leaves no parking for staff or visitors to the flats, this is not acceptable.

Two storey development is out of keeping with the area and will be oppressive and overlook my land blocking light.

No garden area or anywhere for children to play anywhere or hang out washing etc.

Scaffolding required to build would need to be built on my land significantly restricting my ability to run my business and a significant risk of damage to my vehicles. Proposal assuming access to my drainage as well.

Serious planning issues with the development which will have a negative impact on a lot of people as shown by No. of objections. I am worried about the negative implications this will have on me being able to operate my business and earn a living going forward.

Officer Comments: *Private rights are a matter for the parties concerned and construction phase impacts are considered in the Committee Report Part 7 (iii) paragraphs 7.28-7.30. The development retains access to the north of the building and to the workshop unit. Parking issues are addressed in the Committee report in part 7 (iv). The workshop building would continue to be accessible and the application site excludes the area outside the workshop. The proposed flats are considered to provide acceptable amenities for future residents. In procedural terms, the requisite notice has been served on the workshop building and a revised Certificate B submitted with the application.*

Update to previous objections with officer comments:

Character and appearance of the area

- Adds to empty properties
- Unpleasant view
- Out of keeping
- Concern at look of rear of shops
- Out of Character

Officer comments:

The impacts of the development on the character and appearance of the area are considered in part 7 (ii) of the Committee Report (paragraphs 7.6-7.15). In terms of the risk of empty properties, this is a risk for the developer and is likely to be related to the price that the flats are marketed at.

Overlooking/Overbearing

- Overlooking to property and garden
- Loss of privacy
- Human right to enjoy house and garden in privacy
- Too big
- Loss of outlook
- Overbearing / oppressive to living environment
- Security
- Direct views from proposed windows
- Equivalent to two extra floors

Officer Comment: *Impacts upon residential amenity/Human Rights are considered in detail in part 7 (iii) of the Committee Report. This includes considerations of overbearing/height mass and bulk issues (paragraph 7.18), potential overlooking (paragraph 7.19), Human Rights (paragraphs 7.31-7.37). In relation to security, the site is enclosed by walls and fences to the rear and side and the enclosure of the staircase has reduced concerns regarding anti-social behaviour and overlooking.*

Impacts on light

- Loss of light
- Overshadowing
- Effect on daylight
- Loss of sunshine
- Outlook of skyline

Officer Comment: *The impacts on light are considered in part 7 (iii) of the Committee Report (paragraph 7.20)*

Parking/Traffic

- What is the parking provision for flats?
- Parking worse
- Deliveries to shop impacts
- Narrow road
- Highway safety
- Volume of traffic
- Disturbance
- Concern at parking to rear
- Extension to shop concerns re parking
- Concern at possible holiday let use
- Concern at use of access across private car park
- Parking across car park entrance, on double yellow lines and across drives
- Road congestion
- Parking on pavement
- Inadequate parking
- Garage/workshop relationship and parking
- Hours of shop opening
- Traffic on Island

Officer Comment: *Highways and traffic impacts are considered in the Committee Report part 7 (iv) paragraphs 7.38-7.46. The parking proposed and its distribution between retail and residential use is detailed together with the relationship to parking standards and nearby parking. It is not considered that the impact of this development on the wider highway network would be significant and would not justify a refusal of planning permission.*

Comments in relation to site history

- Four derelict shops to one large store
- Concerns re shop use and impact from deliveries
- Building work impacts from shop alterations

Officer Comment: *The planning history is provided in Part 2 of the Committee Report. Paragraph 7.43 relates to deliveries and their impact.*

Noise

- Ventilator or extraction fan concerns

- Long shop opening hours and residential use increases noise at all times
- Noise from rear parking bays
- Noise from staircase use
- Traffic across car park noise

Officer Comment: *Noise impacts are assessed in the Committee Report at Part 7 (iii) paragraphs 7.21 – 7.27. A condition is recommended in relation to extract vents/chiller units, air conditioning or other noise making equipment is recommended. It should be noted that the staircase is now internal rather than external reducing noise impacts from its use.*

Views

- Loss of view
- Restrict views over Chichester Harbour and Trees in Creek Road

Officer Comment: *The loss of a view is not a material planning consideration that can be taken into account in the determination of the application.*

Construction phase concerns

- Construction works excessive
- Scaffolding on private parking bays unlikely to be granted
- Noise and disruption
- Concerns over previous construction works and hours of work
- Potential damage and impacts to cars in private car park
- Health and Safety concerns
- Fumes and dust
- Construction vehicles impact

Officer Comment: *Construction phase impacts are temporary by their nature and would not be a reason to refuse this planning application. It is recommended that a condition in relation to construction vehicle parking and material storage is imposed to seek to reduce impacts. In relation to scaffolding and private land ownership this would be a private legal matter between the relevant parties. It is noted that the planning agent has provided comments in relation to the construction phase (see above). If unsociable hours of construction or excessive noise were to occur in the construction phase this would be a matter for consideration by the Councils Environmental Health team. It would be a matter for the applicant/developer to ensure that the construction work is carried out in a safe manner.*

Other Matters

- Bin storage
- Concern over existing building and condition of site
- Concern over safe access to flats
- Concern over works on site pre-empting decision
- Issues in relation to first floor addition
- Property values
- Impact on Human Rights
- Flats remain unsold in area
- Infrastructure impacts
- Sewage concerns

- Nutrients
- Concerns regarding how the Council will determine application
- Concern at previous work on site
- Better locations for flats to be provided

Officer Comment:

A condition is recommended in relation to bin storage details.

The site is considered to be in an acceptable condition.

The access to the flats is across the adjacent small private car park to the south which has low traffic speeds and is considered acceptable see also paragraph 7.44 of the Committee Report.

Any works that have taken place in advance of planning permission were not considered to require consent and were carried out at the applicants risk.

Possible impacts on property values are not a material planning consideration.

Impacts on Human Rights are considered in paragraphs 7.31-7.37.

Impacts on infrastructure for this scale of development are considered limited and acceptable. CIL contributions would be secured together with SRMS contributions.

Consent from Southern Water would be required to connect to the mains sewers.

Nutrient impacts are addressed in the Committee Report and a Habitat Regulations Assessment and Appropriate Assessment have been carried out in consultation with Natural England and appropriate mitigation secured with a Grampian condition.

The application will be considered by the Development Management Committee and determination will need to be in accordance with the Councils Constitution.

Ownership and rights

- Impact of stairway on common right of way
- Concerns regarding impact on private car park
- Access rights across car park
- Construction vehicles/materials not on private car park
- Possible covenant

Officer Comment: *The impact on private rights is primarily a matter for the relevant parties and is considered in relation to the private car park and access over it in paragraphs 7.27, 7.29 and 7.39 of the report. The position of the staircase would still allow vehicular access around the application building. Construction parking and material storage is subject to a recommended condition.*

7. Planning considerations

(vi) Developers Contributions

7.48 The updated CIL contribution £23,558.93

9. Recommendation

The recommendation remains that the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00279 subject to the conditions set out in the officer's report.

APP/15/01216 - Erection of flat roof brick store to rear of 50-52 Creek Road. Removal of existing container on completion of the works and formation of 2No. parking bays to rear of shop., PERMITTED, 28/01/2016

Garage to rear

APP/19/00236 - Retrospective application for full planning permission for change of use to B2 Classic and specialist car store and restoration workshop. PERMITTED, 13/06/2019

APP/16/00386 - Change of use from B8 classic car store to B2 classic car store and restoration workshop. PERMITTED, 07/07/2016

3 Proposal

- 3.1 The proposal is for the addition of a first floor to create 2No. two bed flats. The flats would be accessed via an enclosed rear staircase. The first floor would have a shallow pitched roof. The existing ground floor is brick with render to the southern elevation and the first floor is shown with cladding or tile hanging.
- 3.2 The flat units would be accessed at first floor level via a communal entrance lobby at the top of the enclosed staircase. The units would have internal floorspace of approximately 79sqm (flat 1) and 70sqm (flat 2). These would meet the Technical housing standards - nationally described space standard.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS13	(Green Infrastructure)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control, Havant Borough Council

Location of solid waste storage provisions not shown

Means of escape compliance with Approved Document B does not appear to comply

Building Regulation application will be required for this work

Officer Comment: *A condition is recommended in relation to bin storage. At the time of writing the means of escape issue is being explored with Building Control and members will be updated in relation to this issue.*

Community Infrastructure, Planning Policy & Urban Design

CIL Liable.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of dwellings and their respective number of bedrooms. See

<http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Officer Comment: *The Solent Recreation Mitigation Strategy Unilateral Undertaking has been completed (see part 7 of this report).*

Crime Prevention -Minor Applications

No comments received

Environmental Health Manager, Community Group

Observations | Comments:

I have no objection to the proposal as described, but if Planning are of a mind to approve this application, I would ask that the following conditions and informatives be applied to any consent granted:

Condition 1:

The applicant to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will 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.

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.

Condition 2:

The applicant to ensure that all forms of external lighting, including those attached to dwellings, shall be installed in such a manner to ensure that the lighting does not impact in any way on neighbouring properties.

Reason: To protect the occupants of nearby residential properties from any light disturbance / pollution.

Informatives:

Regarding Hours of Work:

You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 - 18.00 and Saturday: 8:00 - 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.

This is in order to protect the occupants of nearby residential properties from dust pollution.

Highways Engineer, Development Engineer

Standing Advice Applies on this application.

The Highway Authority have no adverse comment to this application

Natural England Government Team

Comments in Relation to Habitats Regulations Assessment

Consultation on HRA

Solent Recreation Mitigation Strategy - no objection subject to mitigation

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

The Appropriate Assessment has taken this into consideration, therefore, providing the appropriate mitigation is secured by any approval, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

Nutrient Neutrality - no objection subject to mitigation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please consult Natural England on the discharge of the Grampian condition.

Original Comments

Recreational disturbance

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). The development proposal will need to be in accordance with the Definitive Strategy rates. Please note these rates were updated as of 1 April 2019.

It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Deterioration of the water environment

Natural England is concerned about the deterioration of the water environment within internationally designated sites due to new residential development. We have recently issued wording in response to this issue for other similar applications. Please note this wording is also applicable in this case. Natural England is reviewing a recent legal opinion and we will respond in full once this has been completed.

Public Spaces

No comments received.

Waste Services Manager

I have no concerns over waste collection regarding this planning application.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 17

Number of site notices: Two site notes posted.

Statutory advertisement: Not applicable.

Number of representations received: 16 representations with 21 names objecting to the application and 2 representations with 3 names supporting the application.

The following is a brief summary of Objections and Supporting representations raised members will be provided with a more detailed Addendum update together with officer comments as appropriate.

6.1 Objections:

Character and appearance of the area

- Adds to empty properties
- Unpleasant view
- Out of keeping
- Concern at look of rear of shops
- Out of Character

Overlooking/Overbearing

- Overlooking to property and garden
- Loss of privacy
- Human right to enjoy house and garden in privacy
- Too big
- Loss of outlook
- Overbearing / oppressive to living environment
- Security
- Direct views from proposed windows
- Equivalent to two extra floors

Impacts on light

- Loss of light
- Overshadowing
- Effect on daylight
- Loss of sunshine
- Outlook of skyline

Parking/Traffic

- What is the parking provision for flats?
- Parking worse
- Deliveries to shop impacts
- Narrow road
- Highway safety
- Volume of traffic
- Disturbance
- Concern at parking to rear

- Extension to shop concerns re parking
- Concern at possible holiday let use
- Concern at use of access across private car park
- Parking across car park entrance, on double yellow lines and across drives
- Road congestion
- Parking on pavement
- Inadequate parking
- Garage/workshop relationship and parking
- Hours of shop opening
- Traffic on Island

Comments in relation to site history

- Four derelict shops to one large store
- Concerns re shop use and impact from deliveries
- Building work impacts from shop alterations

Noise

- Ventilator or extraction fan concerns
- Long shop opening hours and residential use increases noise at all times
- Noise from rear parking bays
- Noise from staircase use
- Traffic across car park noise

Views

- Loss of view
- Restrict views over Chichester Harbour and Trees in Creek Road

Construction phase concerns

- Construction works excessive
- Scaffolding on private parking bays unlikely to be granted
- Noise and disruption
- Concerns over previous construction works and hours of work
- Potential damage and impacts to cars in private car park
- Health and Safety concerns
- Fumes and dust
- Construction vehicles impact

Other Matters

- Bin storage
- Concern over existing building and condition of site
- Concern over safe access to flat
- Concern over safe access to flats
- Concern over works on site pre-empting decision
- Issues in relation to first floor addition
- Property values
- Impact on Human Rights
- Flats remain unsold in area

- Infrastructure impacts
- Sewage concerns
- Nutrients
- Concerns regarding how the Council will determine application
- Concern at previous work on site
- Better locations for flats to be provided

Ownership and rights

- Impact of stairway on common right of way
- Concerns regarding impact on private car park
- Access rights across car park
- Construction vehicles/materials not on private car park
- Possible covenant

6.2 Support

Character and Appearance

- First floor enhances overall development
- Pleasing façade under pitched roof brings premises in line with adjacent properties
- Improves appearance of property
- More balanced view from neighbours opposite
- Improvement to constantly improving area
- More visually attractive
- More in keeping with area

Impact on neighbours

- No side windows means kittiwake Row, Guillemot Place and properties other side of Creek Road barely affected in terms of privacy
- Revised plans improve staircase concerns and windows reduced at the back

7 Planning Considerations

Impacts on European Sites / Nutrient Neutrality

- 7.1 A Habitats Regulations Assessment including Appropriate Assessment has been undertaken in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).
- 7.2 The authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Solent Recreation Mitigation Strategy with regards recreational disturbance. The adverse effects are also consistent with the effects detailed in the Position Statement on Nutrient Neutral Development with regards water quality. Natural England have been consulted in relation to the assessment and have concurred with the assessment conclusions providing that all mitigation measures are appropriately secured.

- 7.3 The appropriate assessment confirms that Solent Recreation Mitigation Strategy Contributions are required and these have now been secured. In addition, in relation to Water Quality, the Council's Position Statement sets out that mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development. The applicant has agreed to this approach.
- 7.4 In other respects and having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- (i) Principle of development
 - (ii) Impact upon the character and appearance of the area
 - (iii) Impact upon residential amenity/Human Rights
 - (iv) Highways and parking issues
 - (v) Flood Risk
 - (vi) Developers Contributions
- (i) Principle of development
- 7.5 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The development would make a modest benefit of two additional dwellings in relation to the Council's housing supply requirements.
- (ii) Impact upon the character and appearance of the area
- 7.6 The site lies to the east side of Creek Road in the south-east part of Hayling Island. The site lies approximately 31m north of the junction of Creek Road, Sandy Point Road and West Hays Road.
- 7.7 The area is mixed in character with a variety of building styles and heights and with different uses. To the south the former Kittiwake Public House site has been developed by the erection of two and a half storey dwellings incorporating rooms in the roof, these properties are 1-4 Kittiwake Row. These properties include pitched roof and brick and render materials. Beyond the Sandy Point Road/Creek Road junction to the south are residential and commercial premises of single storey, two storey and three storey heights with a variety of designs including pitched roofs, flat roofs and mansard roof designs. There are also a variety of materials including render and brick finishes and differing roof materials.
- 7.8 To the west are terraced and semi-detached houses with light coloured brick to the ground floor and tile hanging to the first floor. These properties have shallow pitched roofs.
- 7.9 To the north of the site the properties are generally single storey bungalows with some properties including rooms in the roof and dormers. The property immediately to the north of the application site is a bungalow No.58 Creek Road.
- 7.10 To the east of the site is a single storey workshop building. This is flat roofed and of brick construction. In addition, there is a store building associated with the shop located on the rear boundary, this is brick built with a flat roof. To the east and south-east are also properties in Guillemot Place a small cul-de-sac development accessed off Sandy Point Road. These properties are two storey houses including a semi-detached pair to the east of the site.

- 7.11 The context for the development is therefore considered to be mixed in character with a variety of building types and heights and including different materials and roof designs.
- 7.12 The application site itself is currently a single storey building in retail use with a flat roof incorporating brick piers to the front and an extensive shopfront. The other elevations have brick finishes with render to the southern elevation. To the front there is also an existing area of parking which has a tarmac finish. To the south is a car parking area associated with the houses to the south and to the north an access route to the rear workshop. The existing building is considered to have a utilitarian appearance, however, due to its single storey height it is relatively recessive in the street scene.
- 7.13 The proposal is for the addition of a first floor to the building this is being shown with a clad or tile hung finish and the agent has been asked to clarify the material detail. A condition in relation to the materials is also recommended should permission be granted. The building would also incorporate a shallow pitched roof with a concrete roof tile. To the rear there is a proposed internal staircase proposed which would incorporate a small area of flat roof.
- 7.14 It is clear that the addition of a first floor would result in a significant change to the building with the new first floor changing the scale of development on the site. It is however considered that the alteration would result in a building which is more reflective of the general character of the existing context for this building. To the south, east and west there are existing two storey or two and a half storey dwellings which are set back from the road frontages a similar distance as that proposed with the application site. The ground floor retail element is as existing and reflects the other commercial uses further to the south and the history of the site.
- 7.15 Subject to appropriate materials and finishes it is considered that the proposal represents an acceptable scale and form of development in the existing context of the site.

(iii) Impact upon residential amenity/Human Rights

- 7.16 In relation to the impact on residential amenity a large number of representations have been received on a variety of matters raising concerns in relation to the development. These have been considered in detail during the protracted consideration of the application. This has resulted in amendments to the proposed development. The main impacts of the development in relation to impacts on neighbours are considered to be to 1-4 Kittiwake Row, properties in Guillemot Place, 58 Creek Road and properties 43b- 43e, 45, 45a and 47.
- 7.17 The main issues identified in relation to the impact on neighbours are considered to be:
- Overbearing / height mass and bulk issues;
 - Potential overlooking;
 - Light impacts;
 - Noise;
 - Private rights and access issues;
 - Construction phase impacts;
 - Human Rights.

These are considered below.

Overbearing / height mass and bulk issues

- 7.18 In relation to potential overbearing issues the application has been assessed against the criteria in the Havant Borough Design Guide SPD 2011 (HBDG).

1-4 Kittiwake Row:

These two and a half storey properties lie to the south of the site and have relatively short rear gardens which back onto a parking area for Kittiwake Row. The houses are a little over 16m from the southern flank wall of the existing building. The proposed first floor addition would result in a blank gable facing south. The HBDG requires that *Where a dwelling faces a blank gable, 10 metres separation distance is required.* This separation distance is exceeded in the current proposal and it is considered that this relationship is acceptable and would ensure an appropriate set off.

Guillemot Place:

The closest property in Guillemot Place is No.6, this is set a minimum of 14.4m from the proposed enclosed staircase and 16m from the main rear wall of the development. No.6's flank wall has a small obscure glazed first floor window and two small ground floor windows (one obscure glazed) facing the site. The ground floor windows face the existing workshop and store building. The set off is considered appropriate and meets the HBDG guidance. This relationship in terms of overbearing is considered acceptable.

Other properties in Guillemot Place 1-5 are set further off and at an angle to the development. No.1 is the closest of these properties and is a minimum of 21m from the proposed first floor. This relationship is considered acceptable.

58 Creek Road:

This property has a side elevation facing the application site this is set a minimum of 7.5m from the proposed first floor. No.58 is a bungalow and does include a side bedroom window to a room also served by another window fronting Creek Road. There is also a small slot window to a further room. The application proposal is for a flank wall to the proposed elevation. Whilst it is acknowledged that this would result in a two-storey to single storey relationship there is a vehicular access and a drive between the properties and the new first floor would not project to the rear of No.58. The rear garden of No.58 is relatively constrained by outbuildings, however, given the gap retained between dwellings and the siting of the first floor addition it is not considered that proposal would result in an impact that would warrant a refusal of planning permission in terms of the proposals mass and bulk.

43b- 43e, 45, 45a and 47 Creek Road:

These properties are set on the opposite side of Creek Road approximately 24m from the frontage of the new first floor. The HBDG states that *Minimum front to front dimensions depend on local context/privacy daylight and overshadowing.* Some of these are considered further below. There are proposed and existing windows facing each other, however, given the intervening road and the distance this relationship is considered acceptable.

In conclusion, it is considered that the proposed development would have an acceptable impact on neighbouring residents in relation to overbearing issues.

Potential overlooking

- 7.19 In relation to overlooking, the proposal has been amended during the course of application's consideration to remove from the east elevation a previously proposed external staircase and to reduce the number of east facing windows from four clear glazed and two obscure glazed windows to two clear glazed and three obscure glazed windows. There are no windows proposed to the side north and south facing elevations.

1-4 Kittiwake Row:

These properties are located to the south of the development and would face a flank wall with no new windows facing these properties directly. Any view from the closest rear window in the development (a rear kitchen window) would be at an oblique angle to 3 and 4 Kittiwake Row. This view is not considered to result in unacceptable overlooking.

Guillemot Place:

1 and 2 Guillemot Place are set to the south-east, any views between the new windows and the rear windows of these properties would again be at an angle. The window to window distance is approximately 21m. The HBLP considers that a minimum 20m distance is required in an immediate back to back situation. Given this distance and angled relationship, it is not considered that a reason for refusal would be justified. Any additional over looking to the garden would again be at an angle. Whilst it is appreciated that this would introduce a new element it is also noted that a much more direct view is already afforded from 6 Guillemot Place.

No.6 Guillemot Place is set to the rear of the application site and this is a more direct line from the application site. There would be two clear glazed kitchen windows facing this direction, one to the less private front garden and one to the rear with the intervening workshop building between. The side wall of No. 6 is a flank wall with two obscure glazed windows and a small clear glazed window facing the store and workshop. Given the intervening buildings, the distance between the properties (16m) and the limited number of clear glazed windows proposed it is not considered that a refusal of planning permission in relation to overlooking to this property would be justified. A condition is recommended to ensure that the other three windows are obscure glazed and fixed shut below 1.7m from finished floor level.

58 Creek Road:

The northern flank wall to the application site does not include any new windows facing directly to No.58. The closest rear window is a kitchen window that would face east. Any view to the rear garden of No.58 would be at an angle and any impact would be limited and is not considered to warrant a refusal of planning permission.

43b- 43e, 45, 45a and 47 Creek Road:

Whilst six new clear glazed windows would face west towards these properties, given the distance between properties (approximately 24m) this relationship is considered to be acceptable.

Overall, it is considered that the proposed development has been assessed in detail and amended where required to mitigate potential overlooking issues. Subject to a recommended condition in relation to obscure glazing the relationships are considered acceptable.

Light impacts

- 7.20 In relation to light impacts, there are two elements to this:- daylight and sunlight. The HBDG states that *New developments should not result in the loss of light to existing buildings. Acceptable daylight to interiors can be provided once there is a 25 degree vertical angle from a point 2 metres above the ground on the facing external facade. (This results in a 10 metre minimum separation distance between dwellings)*. This separation distance is achieved for all the adjoining premises with the exception of 58 Creek Road. In this case an assessment has been made in relation to the side facing window in that property. It is noted that there would be an impact on daylight to the side window of this property. This property has been visited and it is noted that the room is a bedroom with dual aspect windows with a large window facing west and therefore not impacted by the proposed development. It is not considered that the impact on light to this room would be sufficient to warrant a refusal of planning permission based on the impact on daylight.

In relation to sunlight, the proposed first floor is located to the north or north west of the properties in Kittiwake Mews and 1-5 Guillemot Place, as such it is not considered that there would be any unacceptable impacts on sunlight. The proposed development is located to the west of No.6 Guillemot Place, given the separation distance between properties the orientation of the existing garden (to the north of No.7) and the intervening building it is not considered that the impact on afternoon sunlight would be sufficient to warrant a refusal of planning permission.

No.58 is sited to the north of the application site, and the proposed first floor would impact the existing side window at certain times of the day as considered above. Given the dual aspect of this room this is not considered to be unacceptable. There would also be an impact on the rear garden, however this is set off the boundary with the two drives between and impacts would be for only part of the day and year. On balance these impacts are not considered sufficient to warrant a refusal of planning permission.

Noise

- 7.21 The main noise impacts are considered to relate to traffic movements, activities from residents accessing the flats and potential re-location of equipment to the rear of the shop unit. In addition, it is necessary to consider the residential amenities of proposed occupants.
- 7.22 With regards to traffic movement, it is noted that there are two spaces for the flats located to the rear of the property which is accessed through the parking area to the south which is used for parking for properties to the south in Kittiwake Row. This area has been used for parking in the past in association with the shop use. It is not considered that parking in this area is likely to lead to significant additional noise or impacts to neighbours. It is noted that the area is contained with existing fencing.

7.23 The proposal previously included an open external staircase that would have led to noise and overlooking as a result of its use. This has now been enclosed which will avoid these negative impacts. Access by the occupants and visitors to the shop to the rear of the building will increase activity although this should be seen in the context of the existing commercial retail use with rear storage areas and doors. It is not considered that the additional activity resulting from the flat use would result in an unacceptable impact on neighbours amenities.

7.24 The shop unit currently includes rear air con/chiller units on the rear wall. It is apparent that two of these units would need to be re-located as a result of the staircase extension. A condition is recommended in relation to the provision of or re-siting of equipment to ensure that it would not result in unacceptable noise impacts.

7.25 The proposed flats are located in close proximity to the rear workshop building. This use has planning permission and is restricted in terms of its use by planning conditions. The planning permission APP/19/00236 was for Retrospective application for full planning permission for change of use to B2 Classic and specialist car store and restoration workshop. The conditions imposed relate to:

*The premises shall only be open for trade or business between the hours of:
09.00 hours and 18.00 hours Monday to Friday;
09.00 hours and 17.00 hours on Saturday;
and not at all on Sundays or Bank Holidays.*

The use of the premises hereby permitted shall exclude the following operations:

- 1. Panel beating,*
- 2. Paint spraying,*
- 3. Engine tuning.*

In addition, the doors to the building shall be kept shut whenever work is being carried out within the building.

The use hereby permitted shall be limited to classic and performance car store and restoration for cars purchased by the operator of the site and shall not be open to members of the public for general car servicing, repairs or restoration. Furthermore no car sales shall take place from the site.

7.26 These restrictions were required to seek to ensure that impacts to neighbouring properties are minimised. The restrictions are also helpful in relation to the proposed development. The existing shop use also results in potential noise impacts for future residents. In this case the Council's Environmental Health officer has recommended a condition in relation to internal noise for the new flats and the condition is recommended to secure an acceptable internal environment for future residents.

7.27 Concern has been raised in relation to the proposed access across the parking area to the south of the site which is used for parking by residents of the dwellings beyond. It is understood that a right of access exists across this area and a Certificate B has been served on the owners. There have also been concerns raised in relation to the slight overhang of the first floor which is a result of the proposed material finish. This is shown as 0.1m in the latest elevation drawings. The rights to construct this element are a private legal matter between the parties. Any permission would be subject to a materials condition and it is considered that if necessary a brick or rendered wall could be used to avoid any overhang to the private car park area at first floor level.

Construction phase impacts

- 7.28 In relation to construction phase impacts, it is the case that most developments will have an impact on the residential amenities of nearby residents. These impacts are by their nature temporary and should be managed appropriately by the developer in order to minimise their impact.
- 7.29 In this case given the relatively high density urban environment and the limited areas around the building it is considered appropriate to recommend a planning condition in relation to construction vehicle parking and material storage. This will need to avoid the private parking area to the south of the building associated with Kittiwake Row.
- 7.30 Noise, dust, lighting and hours of construction are principally a matter that would be considered by the Council's Environmental Health Team if complaints were received during the construction process. Informatives in relation to hours of construction, noise, dust and lighting are proposed to guide the developer and would be included if the application is granted planning permission.

Private rights and access issues

- 7.31 The Human Rights Act 1988 incorporated provisions of the European Convention on Human Rights ECHR into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.
- 7.32 The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).
- 7.33 In relation to Article 6 (Right to a fair trial) this is centred around the determination of civil rights and obligations or of any criminal charge against him. This would for example allow for an appeal to the Planning Inspectorate by the applicant should planning be refused.
- 7.34 Article 8 (Right to respect for private and family life) states that *Everyone has the right to respect for his private and family life, his home and his correspondence*. Issues in relation to the impacts of the development on their residential amenities have been raised by a number of nearby residents and these have been considered in detail in this report. There is also an opportunity for deputations to be made to the Development Management Committee. The application has been assessed in this report in relation to its planning merits including the impacts on neighbouring properties.
- 7.35 Article 14 (Prohibition of discrimination) states that *The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status*. This planning application has been assessed on its planning merits.

- 7.36 Article 1 of Protocol 1 (Protection of property) and states *Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.*

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

The application consideration has taken into account the impact of the development on the adjoining properties as set out in this report.

- 7.37 It is considered that the relevant provisions of the Human Rights Act 1988 and ECHR have been taken into account in the consideration of this planning application as set out in this report.

(iv) Highways and parking issues

- 7.38 The existing shop unit has a retail floorspace of approximately 106sqm and under the Council's Car Parking standards would require 8 parking spaces. The frontage parking area has recently been marked out with 8 spaces whereas they were previously unmarked out. This will lead to parking being more organised than was previously the case.
- 7.39 The proposal would provide 4 spaces to serve the two residential units, two would be positioned at the front of the site and two to the rear. The two spaces to the rear would be accessed through the adjacent private car park where there is understood to be a right of access across this area. The provision of the 4 spaces would be required for the 2 x 2 bed dwellings to meet the Council's car parking standards.
- 7.40 The provision of two parking spaces for the residential use at the front would result in the retail car parking being restricted to 6 spaces which is two short of the parking standards. This has been considered in detail and the context of the site and its type of retail use considered further. The site is located close to existing public car parking which serves the Creek Road area and is available for people visiting the shop and other facilities in Creek Road including retail and leisure facilities. In addition, there is on street parking to the north of the site within Creek Road which is also available for parking. The store itself is a convenience store which serves the everyday retail needs of the local area where it is anticipated that a significant number of customers will walk to the facility from nearby residential areas.
- 7.41 It is also noted that an appeal decision in relation to 12 Creek Road for the Conversion of existing first and second floors from a nightclub into 10 letting rooms dated June 2016 considered the implications of not providing any parking for the proposed letting rooms. Whilst that was for a different proposal, the Inspector concluded that the type of accommodation proposed was unlikely to result in high car ownership, that there were a range of shops to meet everyday needs, that there were good bus services and that cycle storage was provided. The Inspector also noted that there were areas of unrestricted on-street parking in the vicinity of the site and in terms of visitors a car park in Wheatlands Road. The Inspector concluded that in that case whilst there might be some reduction in on-street parking as a result of the proposed change of use, given the existing conditions, any additional competition for on-street spaces as a result of the proposed change of use is unlikely to significantly inconvenience local residents or future occupants.

- 7.42 The parking standards require the provision of 2 secure long stay cycle spaces per 2 bed unit. These would be provided beneath the proposed staircase. This will enable future residents with non-car based transport options and will be secured by condition.
- 7.43 Concern has been raised in relation to deliveries to the site, parking taking place on double yellow lines and across driveways. In relation to deliveries, this is in relation to the shop as existing and could potentially have been a more significant concern had the previous four units been operating independently. As it is the units have been converted to a single store. Deliveries take place for a short period and whilst they can cause issues this is a temporary matter and would not be significantly altered by the proposed residential development at first floor level. Issues in relation to parking on double yellow lines or across driveways are a matter for potential enforcement. It is not considered that such parking is required to take place bearing in mind the nearby public car park and on street parking that is available to the north of the site.
- 7.44 In relation to Highway Safety, some of the concerns raised partly relate to access through the private car park to the south of the site and the relationship to existing residential parking areas. There is understood to be a right of access across this area and it has been used for access to the rear of the shop unit. This would remain the case and the proposed two parking spaces for residential occupants is not considered to significantly alter the level of vehicular movements across this area and would not warrant a refusal of permission. Pedestrian access to the rear access to the residential units across the parking area would cross this residential parking area. It is considered unlikely to result in unacceptable conflicts between pedestrians and car movements given the limited parking area and low speeds of vehicles manoeuvring in this area.
- 7.45 Additional levels of traffic and vehicle movements resulting from the provision of two dwellings in the wider area are not considered likely to result in significant additional impacts that would warrant a refusal of planning permission.
- 7.46 Overall and bearing in mind the marginal shortfall to the parking standards for the retail store, the nature of the store meeting local day to day retail needs, local car parking provision and the proposed residential parking including cycle parking it is not considered on balance that a refusal of planning permission based on parking / traffic or road safety could be sustained.

(v) Flood Risk

- 7.47 The site is located in Flood Zone 1 (lowest flood risk) and new residential development in this location is therefore considered acceptable in terms of flood risk.

(vi) Developers Contributions

- 7.48 The proposal would secure Community Infrastructure Levy contributions based on the proposed floorspace this will be at a rate of £100 per square metre of new floorspace plus indexing. The contribution will be approximately £15,800.
- 7.49 In addition contributions have been secured in relation to the Solent Recreation Mitigation Strategy of £1000 plus administration and monitoring fees.

8 Conclusion

- 8.1 In conclusion, the principle of development is considered acceptable subject to conditions in relation to nutrient neutrality and a Habitats Regulations Assessment/ Appropriate Assessment have been carried out in consultation with Natural England. The site is located within the built up area but outside flood zones 2 and 3 and is therefore suitable for residential development subject to other development management criteria.
- 8.2 The impact on the character and appearance of the area and on neighbours residential amenities are considered acceptable as set out above. Highways and parking concerns are recognised, however, it is not considered that the proposals would result in impacts sufficient to warrant a refusal of planning permission as set out above.
- 8.3 Overall it is concluded that the proposed development is acceptable and planning permission can therefore be recommended subject to the conditions set out below.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00279 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.

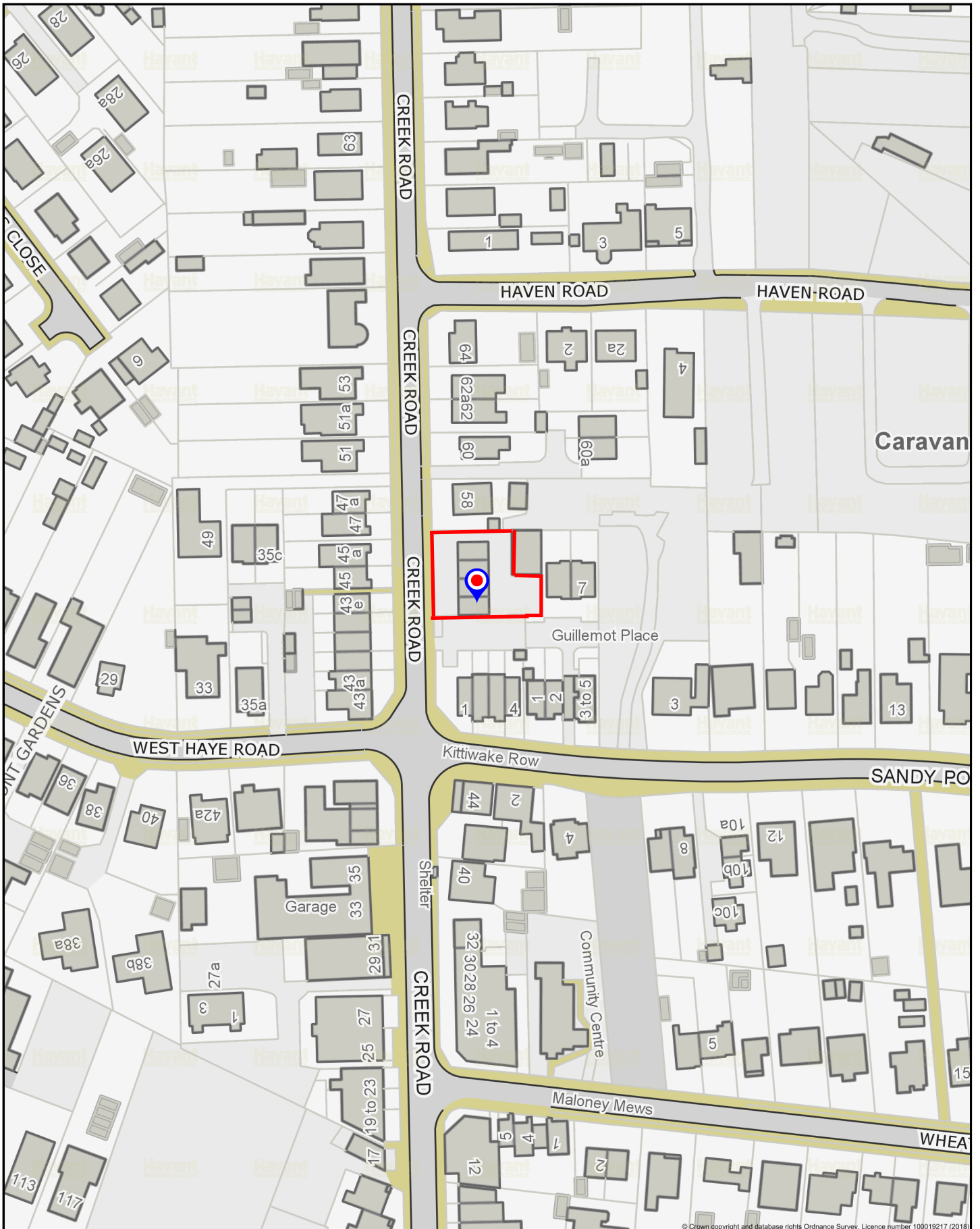
Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as 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 LAeq,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.

Appendices:


Appendix A	Location Plan
Appendix B	Location and Access Plan
Appendix C	Proposed Parking Plan
Appendix D	Existing Elevations
Appendix E	Proposed Front and Rear Elevations
Appendix F	Proposed Side Elevations
Appendix G	Previous Floor and Roof Plans
Appendix H	Existing Floor and Roof Plans
Appendix I	Proposed Floor Plans
Appendix J	Proposed Roof Plan



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50-56 Creek Road, Hayling Island, PO11 9RE





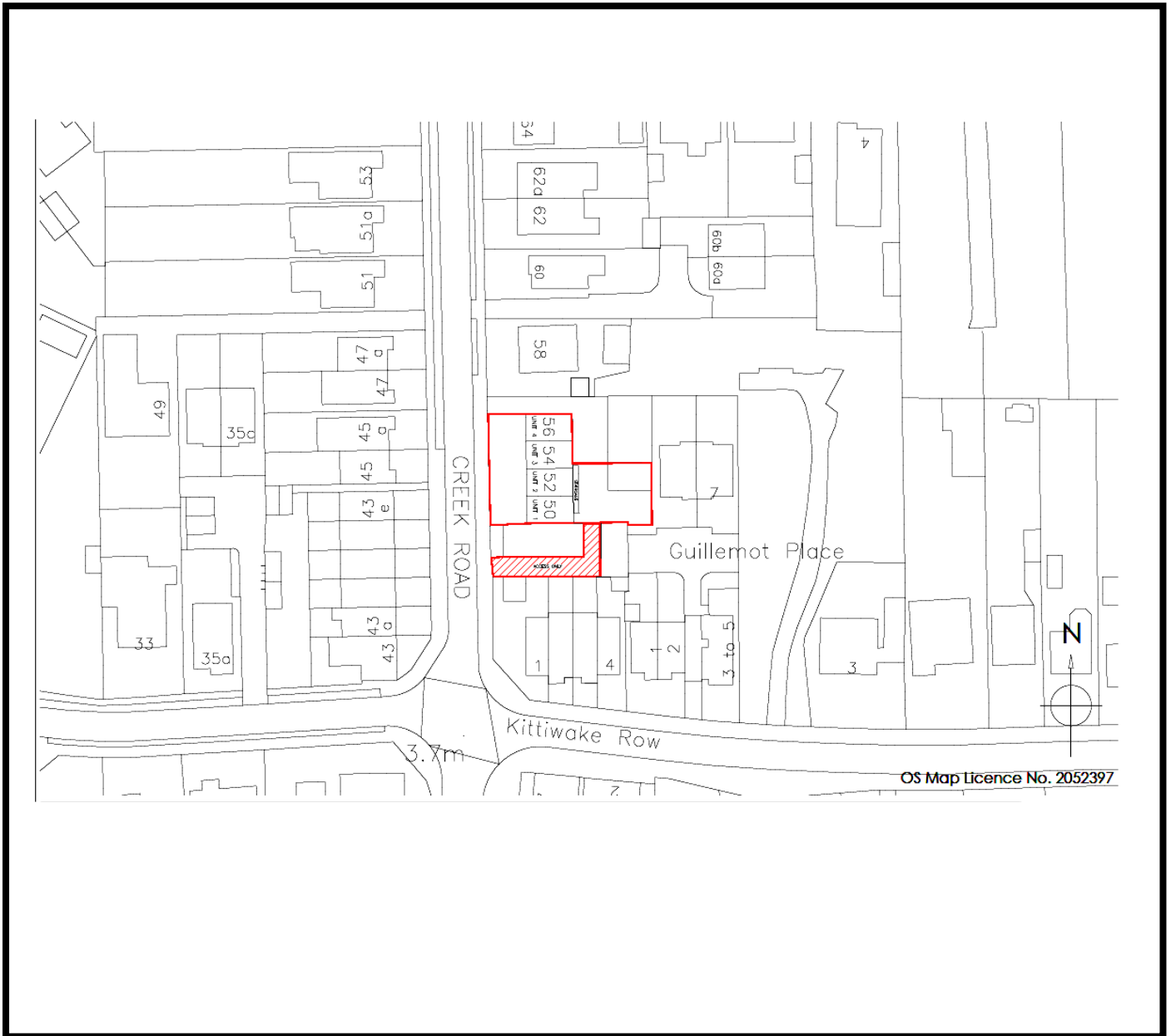
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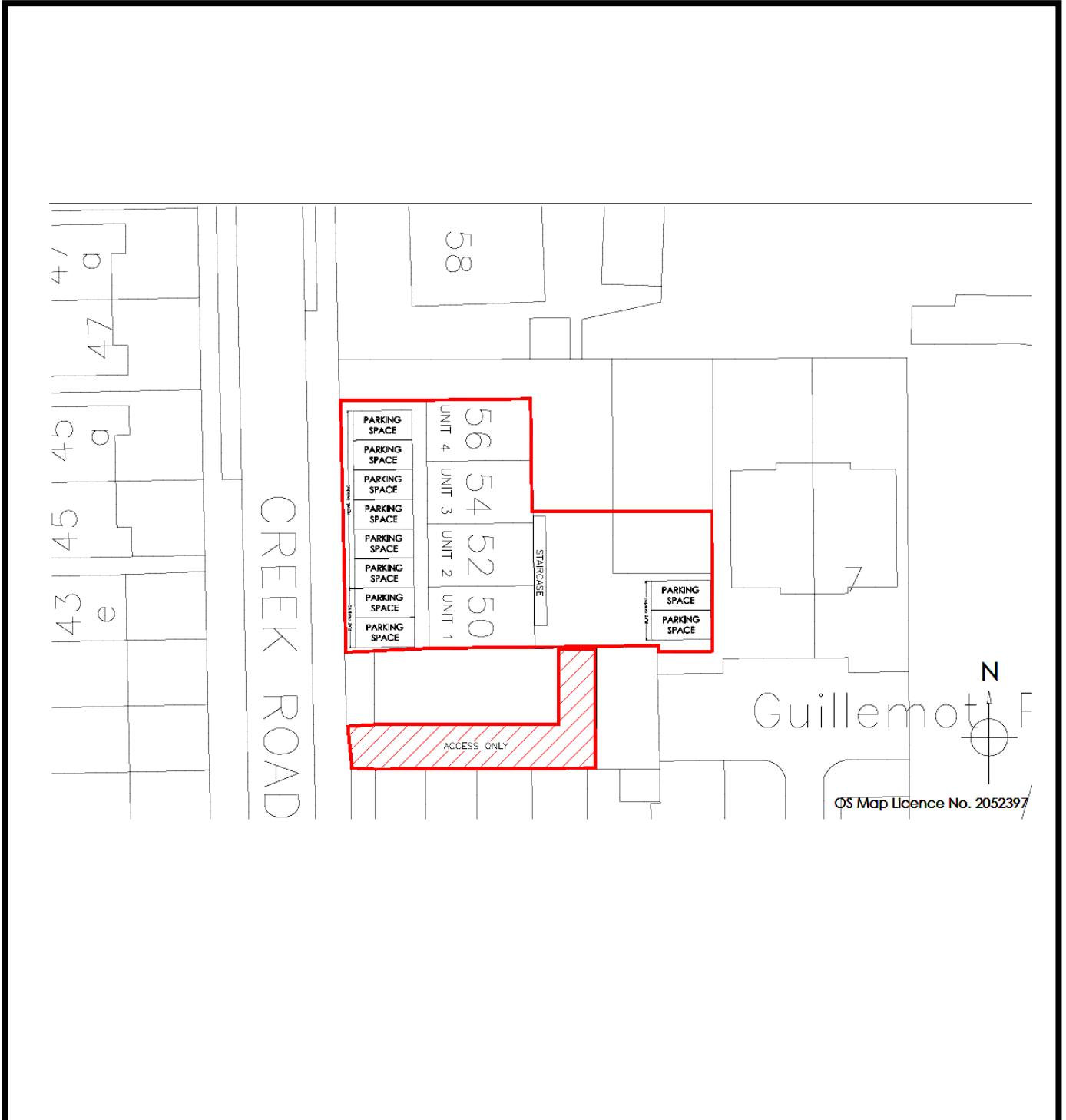
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LOCATION AND ACCESS PLAN

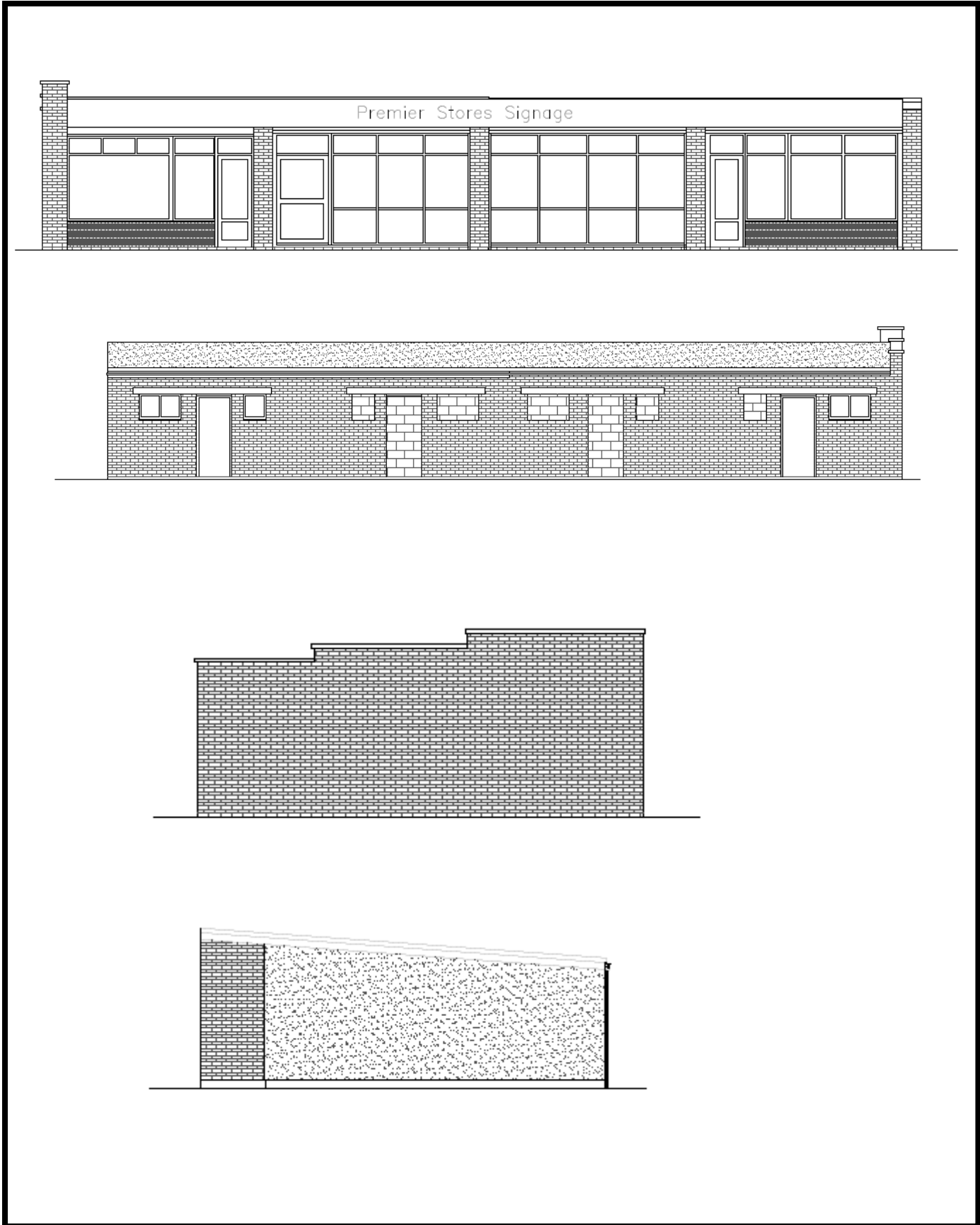


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PROPOSED PARKING PLAN



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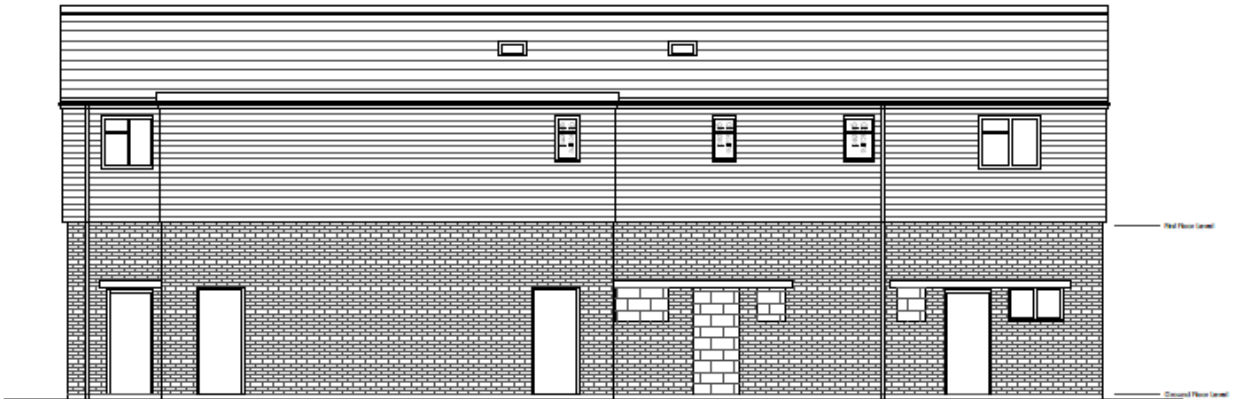


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PROPOSED FRONT AND REAR ELEVATIONS



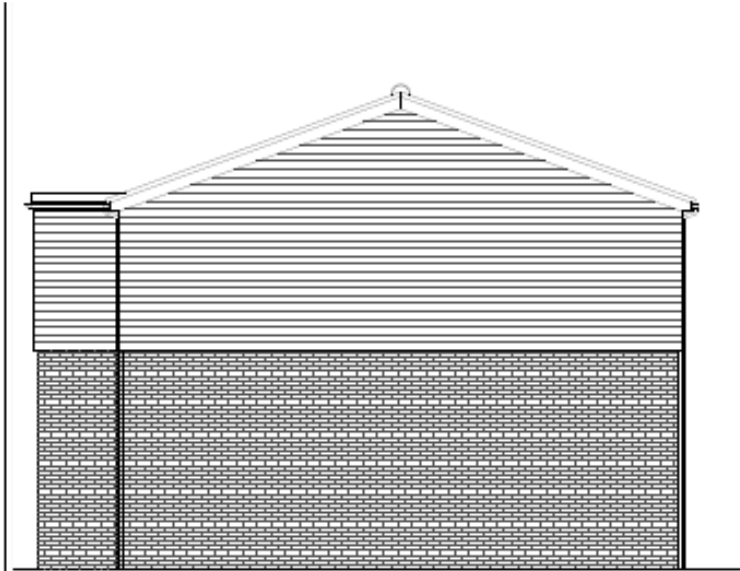
Proposed front Elevation



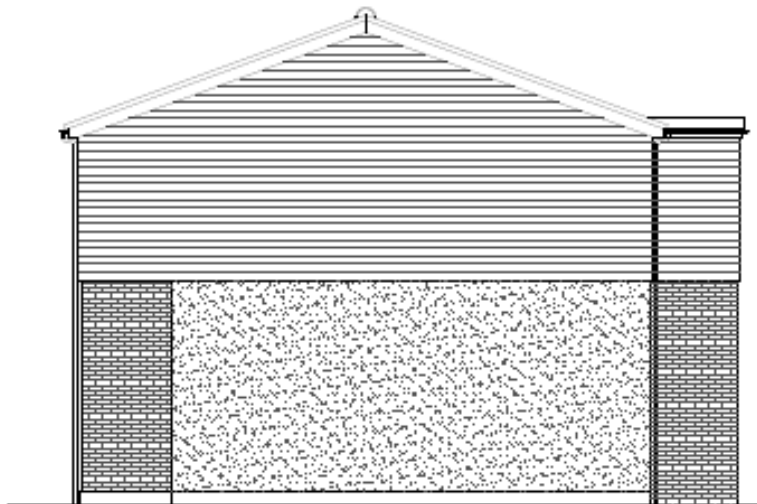
Proposed Rear Elevation

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PROPOSED SIDE ELEVATIONS



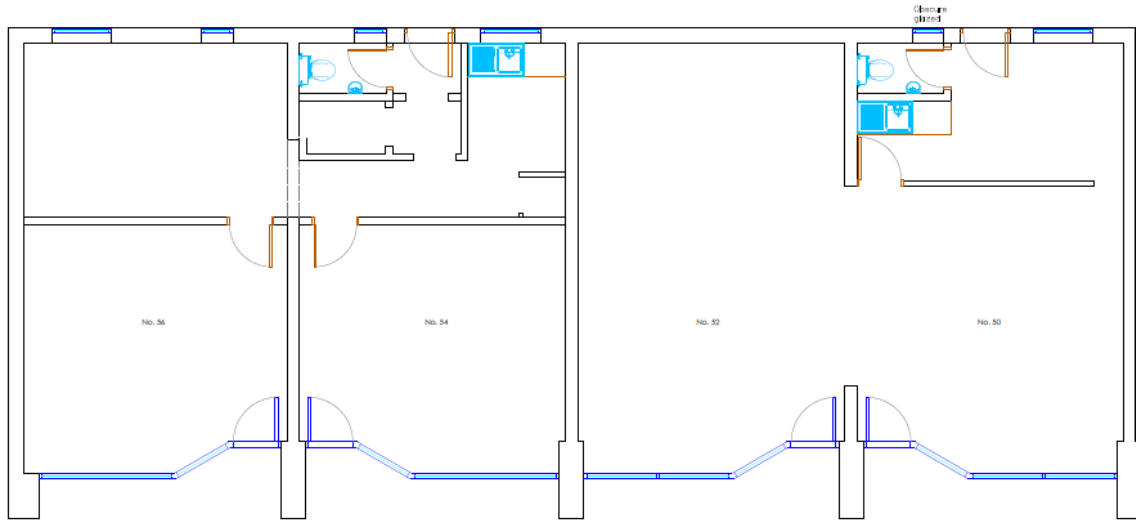
Proposed Side Elevation



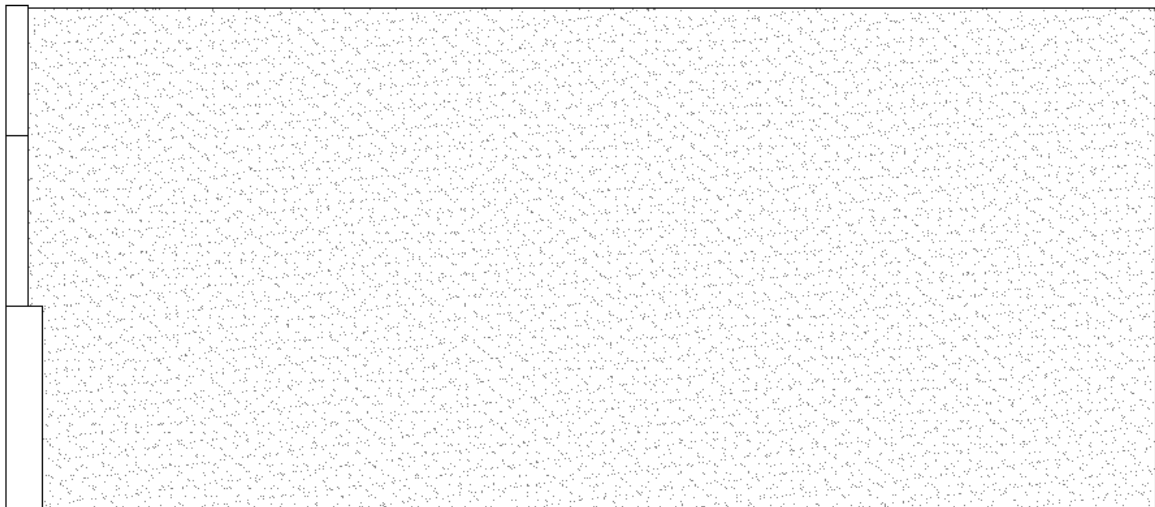
Proposed Side Elevation

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PREVIOUS FLOOR AND ROOF PLANS



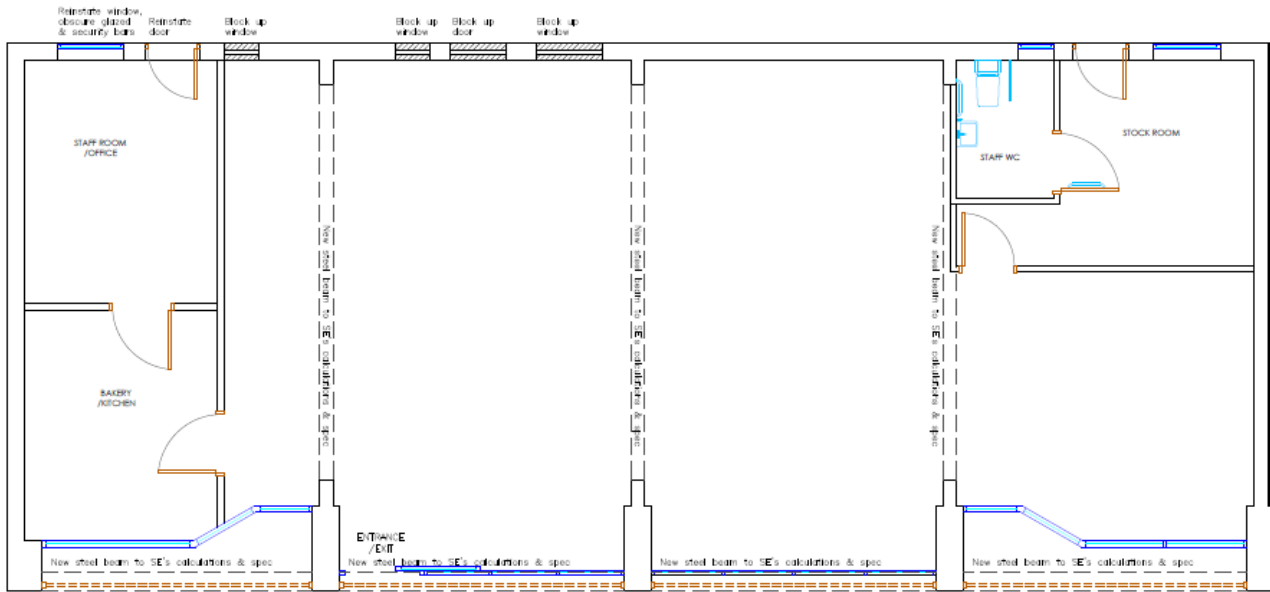
Existing Ground Floor Plans



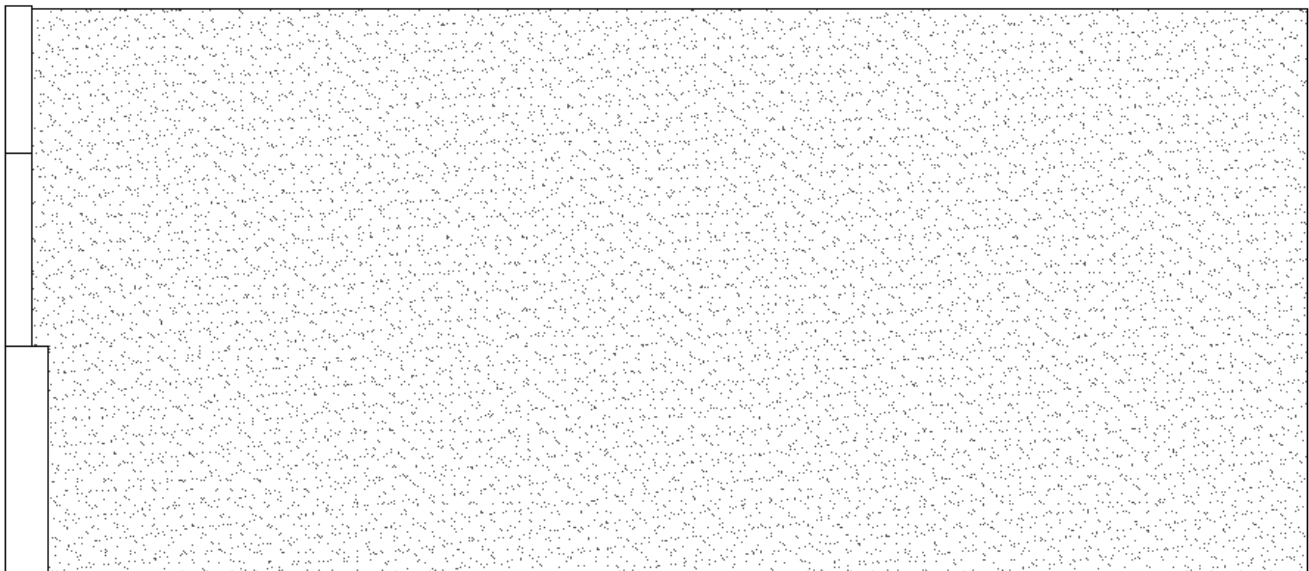
Existing Roof Plan

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EXISTING FLOOR AND ROOF PLANS



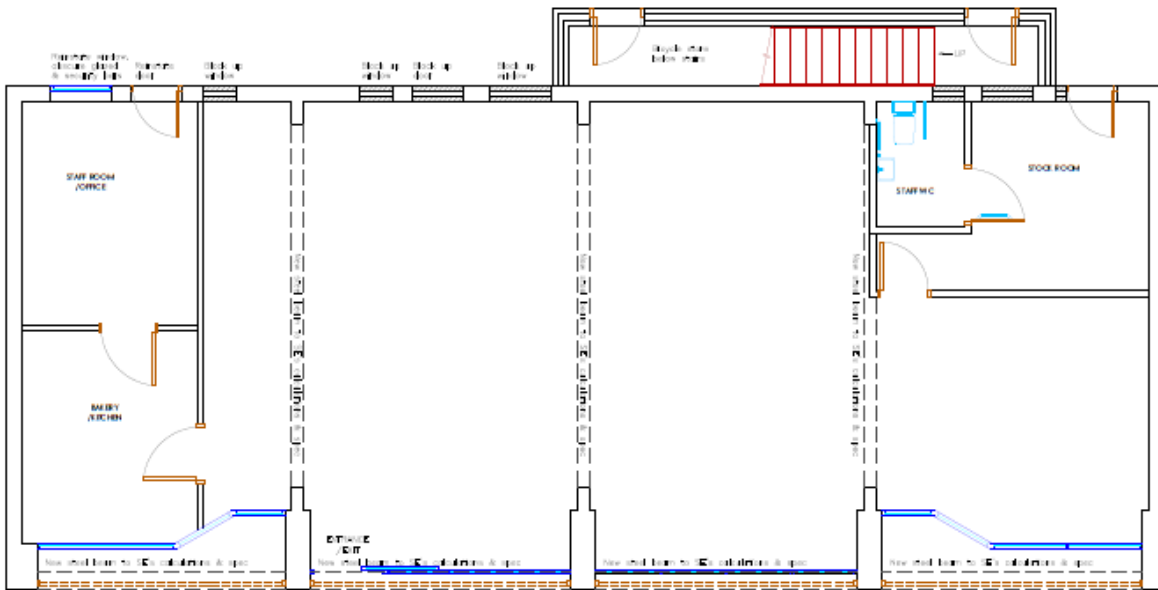
Proposed Ground Floor Plan



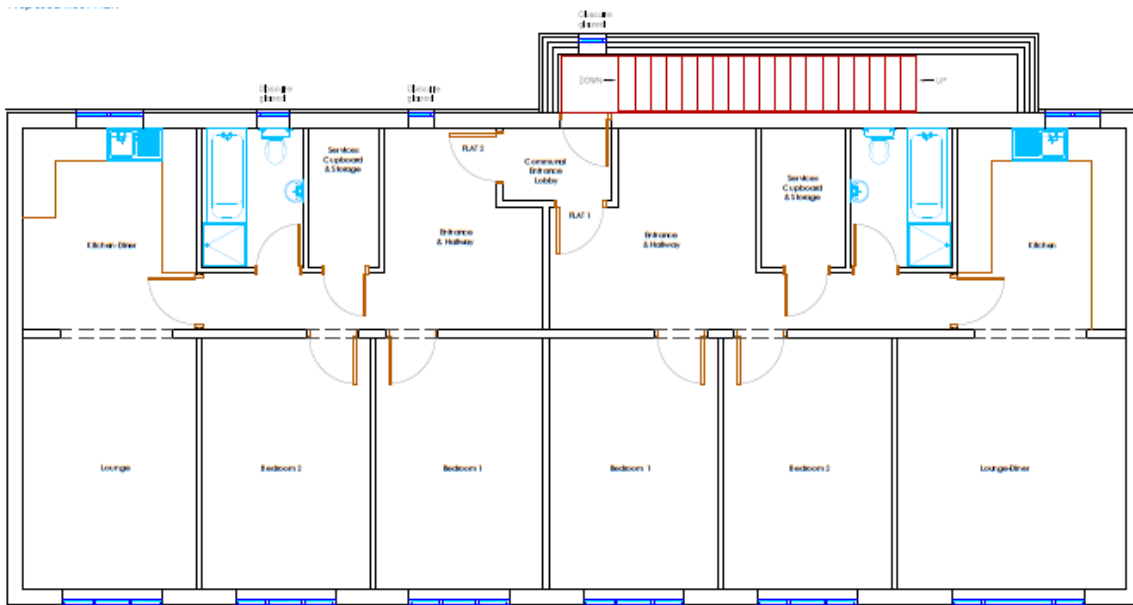
Proposed Roof Plan

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PROPOSED FLOOR PLANS



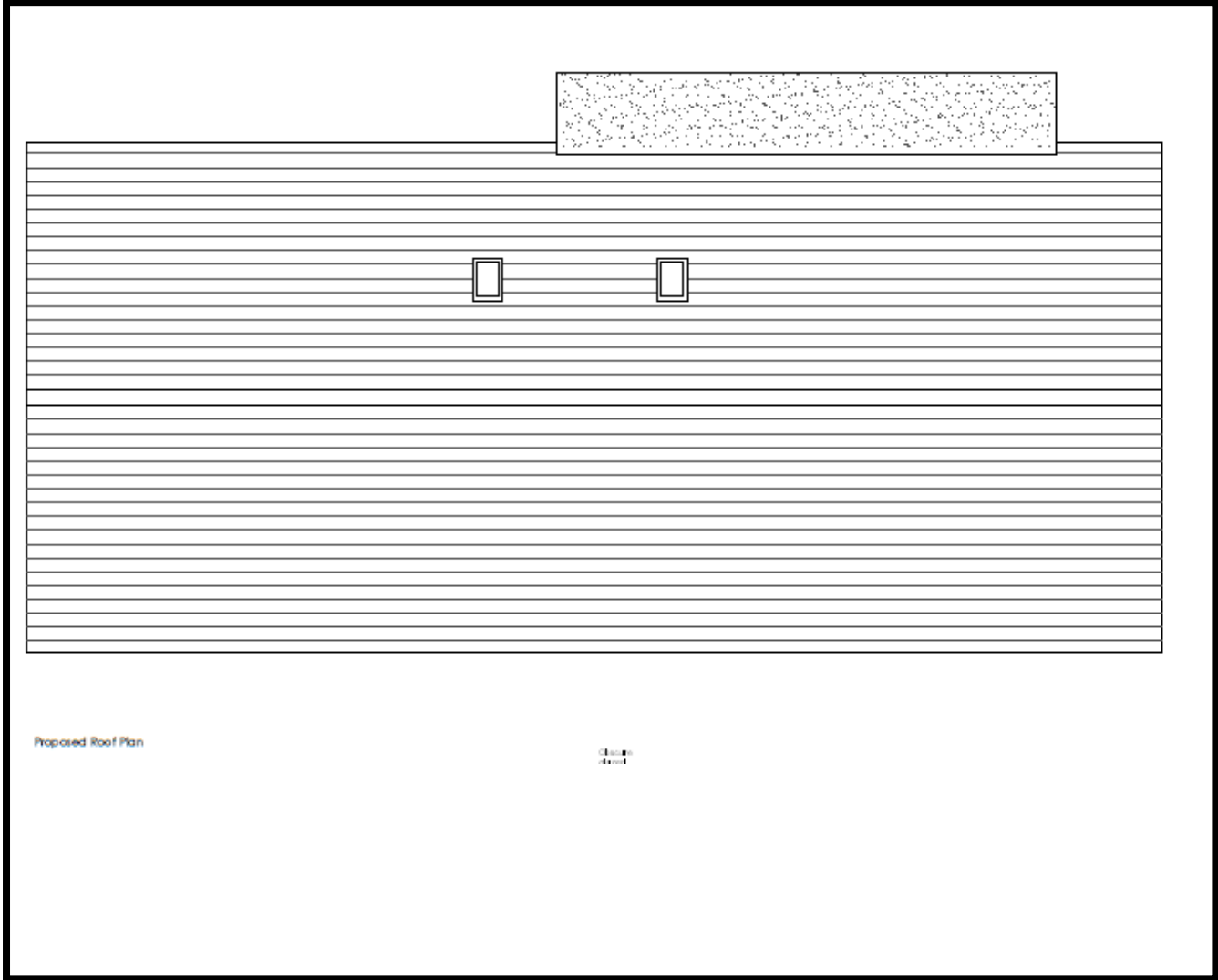
Proposed Ground Floor Plan



Proposed First Floor Plans

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PROPOSED ROOF PLAN



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Site Address: Telecommunications Mast, Fishery Lane, Hayling Island
Proposal: Removal of Condition Nos 1 and 2 of planning permission
APP/18/0116 relating to Cypress Leylandii planting.
Application No: APP/19/00803 Expiry Date: 03/10/2019
Applicant: Mr Hughes
 The Wireless Infrastructure
 Group
Agent: Mr Brown Case Officer: Daphney Haywood
 Harlequin Group
Ward: Hayling East

Reason for Committee Consideration: At the request of Councillor Satchwell

HPS Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site lies within the Southern Water pumping station site at the end of Fishery Lane, adjacent the Household Waste Recycling Centre in the south eastern part of Hayling Island. In addition to the telecommunications mast and tanks the site supports a small brick outbuilding and a number of evergreen trees of approximately 12m height.
- 1.2 This part of Haying Island is generally flat and characterised by caravan development with the Fishery Creek caravan site situated to the east and south, St Hermans Caravan Estate to the west and the access to Lakeside Holiday Village to the north.

2 Relevant Planning History

05/58240/005 - Application for Vodafone Limited to determine whether prior approval is required for the siting and appearance of a 10m high telecommunications slim line timber monopole with trisector antenna above, 1No. radio equipment cabinet. Prior approval granted 11/07/2005 and implemented.

APP/15/01029 - Application to determine whether prior approval is required for the siting and appearance of 1No. replacement pole 15m in height, 1No. additional cabinet and associated ancillary development. Prior approval granted 11/11/2015 but not implemented in accordance with approved details.

APP/18/01165 - Retrospective planning application relating to existing 15m high Hutchinson T Range Monopole and associated works; proposed leylandii tree planting scheme. Permit 16/01/2019.

3 Proposal

- 3.1 The background to this case is that the siting of the replacement mast which was erected pursuant to prior approval APP/15/01029 did not accord with the approved plans, and additionally part of the evergreen screening shown to be retained in the plans approved at that time was removed to facilitate its installation. A retrospective application (APP/18/01165) was submitted to seek to regularise the development, and following negotiations to secure the provision of replacement screening in the form of a 9m high

evergreen tree, was approved on 16/01/2019. This was subject to conditions requiring compliance with the approved plans, and for the tree to be provided within 3 months of the date of the permission. To date the replacement tree has not been planted and it is these conditions which the applicant seeks to remove and are the subject of the current proposal.

- 3.2 In more detail the current application seeks the removal of Condition Nos 1 and 2 of Planning Permission APP/18/01165, which granted permission in retrospect for an existing 15m high Hutchinson T Range Monopole and associated works, and a proposed leylandii tree planting scheme. These conditions state:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location dwg 130542 -01 issue C

Site location dwg 130542-02 Issue C

Site location dwg 130542-03 Issue C

Reason: - *To ensure provision of a satisfactory development*

and

2 Within 3 months of the date of this permission the landscaping works comprising the planting of a leylandii tree minimum height when planted of 9m, as shown on the approved plans ref. 130541-02 and 130541-03, shall be carried out in accordance with the approved details. The proposed tree shall be planted and maintained in accordance with best practise recommendations set out in BS 8545:2014 Trees: from nursery to independence in the landscape, including the provision of bracing/supporting structures as required and provision for watering. In the event that the tree is removed, uprooted, destroyed, dies or become severely damaged or becomes seriously diseased within 5 years of planting it shall be replaced within the next planting season by a tree of similar size and species to be planted and maintained in accordance with best practise recommendations set out in BS 8545:2014 Trees: from nursery to independence in the landscape, including the provision of bracing/supporting structures as required and provision for watering.

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

- 3.3 The applicant outlines in their submission that they consider that the imposition of a condition in respect to the planting of a 9m high evergreen tree, as required under these conditions, is unreasonable and unenforceable as the available space for planting is not sufficient to accommodate the required root ball. Additionally it is maintained that the requirement is unnecessary due to the existence of the remaining trees on the site. They also maintain that as any future tree would, once it had reached a certain height, interfere with the function of the mast, that no tree planting should be required and the conditions should be removed. An assessment by a Landscaping Consultant is submitted to support the submission.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS19 (Effective Provision of Infrastructure)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Landscape Architect

We agree with the conclusions of the report.

A possible solution to explore could be to plant a tree at a smaller height that will subsequently require a smaller tree pit. The concerns of root damage to foundation and services is valid, however root directors and root barriers could be implemented to alleviate this issue.

Southern Water

To ensure provision of a satisfactory development condition 1 shall be retained either in current or amended wording.

Southern Water would have no objections to remove condition 2 as proposed by the applicant. Any tree planting proposals within the standoff distances of public critical sewerage apparatus (rising mains) and within Southern Water land ownership shall be agreed with Southern Water before proceeding.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 6

Number of site notices: one

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
The letters sent in support of the removal of this planning condition are long and complex. Members of the public should be able to easily look at the issue and make a decision but the documents are complex and difficult to read for ordinary members of the public.	The complainant has been contacted by the case officer to clarify the submission. Please see section 7 for consideration of the planning issues.

<p>My objection is simple: - It was promised to plant a substantial tree to mitigate tree damage/loss. A report showing how this could be done was compiled (planting a 9m tree). It was a condition of planning permission being granted. The company has a duty to ensure the tree cover is maintained and enhanced both in terms of visual amenity and benefit to the environment.</p> <p>The tree should be planted or an equivalent alternative trees should be planted. A 9m tree would have contributed significantly to the ecosystem.</p>	
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7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of removal of conditions 1 and 2
- (ii) Arboricultural considerations
- (iii) Sustainability
- (iv) Impact upon the character and appearance of the area
- (v) Impact upon residential amenity

(i) Principle of removal of conditions 1 and 2

7.2 This application is for the removal of conditions 1 and 2, which were attached to the approved planning application APP/18/01165 and specifically relate to screen planting in the form of a 9m high evergreen tree. Section 73 of the Town and Country Planning Act 1990, as amended, sets out the means by which the determination of applications to develop land without compliance with conditions previously attached should be undertaken. S73(2) states:

"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly,

and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

Whilst the scope of such an application is only to consider the conditions subject to which

planning permission should be granted, the effect of a planning permission granted under S73 is to grant a fresh permission for the development the subject of the application.

- 7.3 When the Local Planning Authority considers the imposition of conditions on planning permissions it must also comply with the six tests relating to planning conditions outlined in the NPPF, which are that conditions must be:
- (1) necessary
 - (2) relevant to planning
 - (3) relevant to the development to be permitted
 - (4) enforceable
 - (5) precise
 - (6) reasonable in all other respects
- 7.4 The reasons given for the imposition of the conditions in this case were, in respect of condition 1 '*To ensure provision of a satisfactory development*'; and for Condition 2 '*To ensure the appearance of the development is satisfactory and in the interest of the amenities of nearby properties and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*'
- 7.5 This part of Hayling Island is relatively flat such that in the absence of appropriate screening tall development is readily visible. Telecommunications development by its nature is tall and often not readily assimilated into the surrounding environment. Although in this case the use of a monopole reduces the visual impact, the increase in height from the original 10m pole approved in 2005 to a more bulky 15m pole and loss of part of the screening has resulted in a more prominent installation. The approved plans in respect of application APP/18/01165, following negotiation, secured the provision of a 9m high evergreen tree, and in order to require compliance with the proposed mitigation screening the imposition of Condition 1 was considered reasonable, enforceable and necessary. The submitted plans did not cover the specific timing requirements for planting and given the requirements for a tree of this height the imposition of a further condition, i.e. Condition 2, was considered justified.
- 7.6 The current application provides additional information with respect to the site and in particular the area available for planting and as such requires a reassessment of the appropriateness of the conditions in question. This is considered below together with the impact on visual amenity and sustainability that arises from the proposal to remove the two conditions in question.
- (ii) Arboricultural considerations
- 7.7 The application seeks the removal of conditions 1 and 2 as not meeting the required tests for conditions based on the physical constraints of the site and the planting requirements for a 9m high tree. The application is supported by a tree planting assessment which concludes that, notwithstanding the negotiations that took place in the case of application APP/18/01165, the space available for the planting of such a tree is inadequate and as such on the basis of this additional information the conditions are considered to be unreasonable, unenforceable and therefore unnecessary.
- 7.8 Additionally it is argued that the proposed planting would breach Southern Water's technical requirements, and it is noted that in their consultation response Southern Water have raised no objections to the removal of Condition 2 and highlighted the need for their approval for any planting within standoff distances of public critical sewerage apparatus.
- 7.9 The Council's Landscape Architect, having reviewed the submitted tree planting assessment, agrees with its conclusions. Whilst the Landscape Architect has advised that

a smaller tree (approx 3m height) could be accommodated, it is argued by the applicant that in time this would grow, causing interference with the operation of the mast, and as such no additional planting forms part of the application. Additionally they consider that the remaining boundary trees provide adequate screening. The proposal therefore falls to be determined on the basis of the nature of the installation as currently seen at the site.

(iii) Sustainability

- 7.10 The development provides for improved telecommunications in accordance with both Government Guidance and Local Plan Policy. At the time of the original application the applicant undertook a search of the area to identify suitable sites, and the current site was chosen in the absence of tall buildings, areas with good tree coverage, industrial areas or existing masts which could provide a suitable site. The current site was identified as it is within a small commercial area (Southern Water compound and adjacent the Household Waste Recycling Centre). The replacement mast provides for mast share and its upgrade accords with the NPPF. The NPPF at Section 10 'Supporting high quality communications' para. 112 states:-

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

and para 113 states.

The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.

- 7.11 The replacement mast makes use of an existing site and provides essential infrastructure and as such is supported in principle by National and Local Plan Policy.

(iv) Impact upon the character and appearance of the area

- 7.12 The pole the subject of the contested conditions was initially erected pursuant to Prior Approval Application APP/15/01029 but was sited incorrectly and additionally the evergreen screening shown to be retained in that application was reduced by the lopping of branches, to facilitate installation of the pole. Whilst the difference between the approved siting and the actual siting is relatively small, in the order of a 1.5 to 2m discrepancy, this combined with the loss of screening has had an impact on the appearance of the development as viewed from the surrounding area. The aim of the original conditions to secure replacement planting was in order to compensate for the loss of the screening which had occurred. Without the proposed tree the mast is more prominent, however, only part of the tree screening was removed with the majority of tree screening retained. As such the impact is limited and it is considered on balance that the effect of the retention of the mast without a replacement tree in place is not so harmful to the character and appearance of the area as to warrant a refusal of the application.

(v) Impact upon residential amenity

- 7.13 The 15m high mast is visible from nearby properties and the cutting back of the existing vegetation has resulted in the mast becoming more intrusive in views from the residential properties in St Herman's Caravan Estate which lies in close proximity to the west. The 9m high evergreen tree (the subject of the conditions proposed to be removed) would have addressed this, helping to mitigate the impact of the mast, especially when viewed

from the west. Without such planting the mast has therefore resulted in some loss of visual amenity to residential properties which lie directly to the north of the Household Waste Recycling Centre. The impact on residential amenity therefore carries some weight, but this has to be balanced against the essential nature of the infrastructure. In this regard it is noted that the impacted properties do not directly adjoin the site, and the main impact is on views from their gardens and not the habitable rooms within the properties. As such it is considered that the balance lies in removing the conditions.

8 Conclusion

- 8.1 The conditions the subject of this application were imposed having regard to the impact of the replacement mast on visual amenity, and in particular the amenities of the nearby residential properties.
- 8.2 The further assessment by the applicant carried out since planning permission was granted indicates that the space available for planting would not support a tree of the size required by conditions 1 and 2 of planning permission APP/18/01165. This conclusion is accepted by the Council's Landscape Architect. Whilst a smaller tree (approx 3m height) could be accommodated, in time it would grow causing interference with the operation of the mast.
- 8.3 There is an identified need for the provision of telecommunications infrastructure with support in principle for telecommunications development established by planning legislation at the National and Local level. The replacement mast provides a necessary upgrade.
- 8.4 On balance the harm in the longer term to neighbouring amenity from removal of these conditions is considered insufficient to justify a reason for refusal, and given the applicants request to determine the application without provision of new planting, the impact on amenity has to be weighed against the benefits of the proposal in terms of supporting telecommunications infrastructure. It is considered that this outweighs the relatively limited impact on neighbouring amenity.

9 RECOMMENDATION:

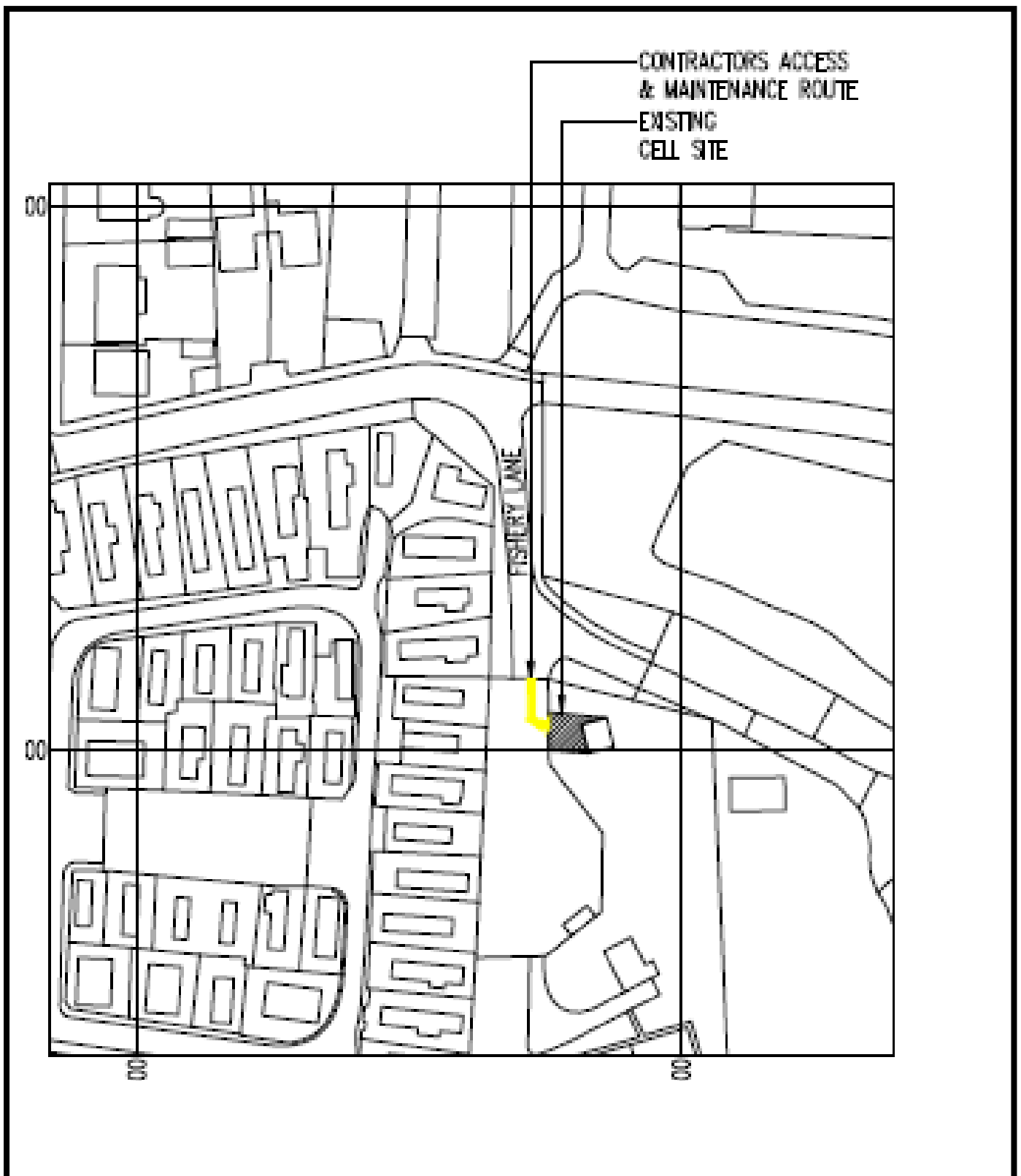
That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00803

Appendices:

- (A) Site location
- (B) Site Plan
- (C) Tree planting conditioned under APP/18/01165

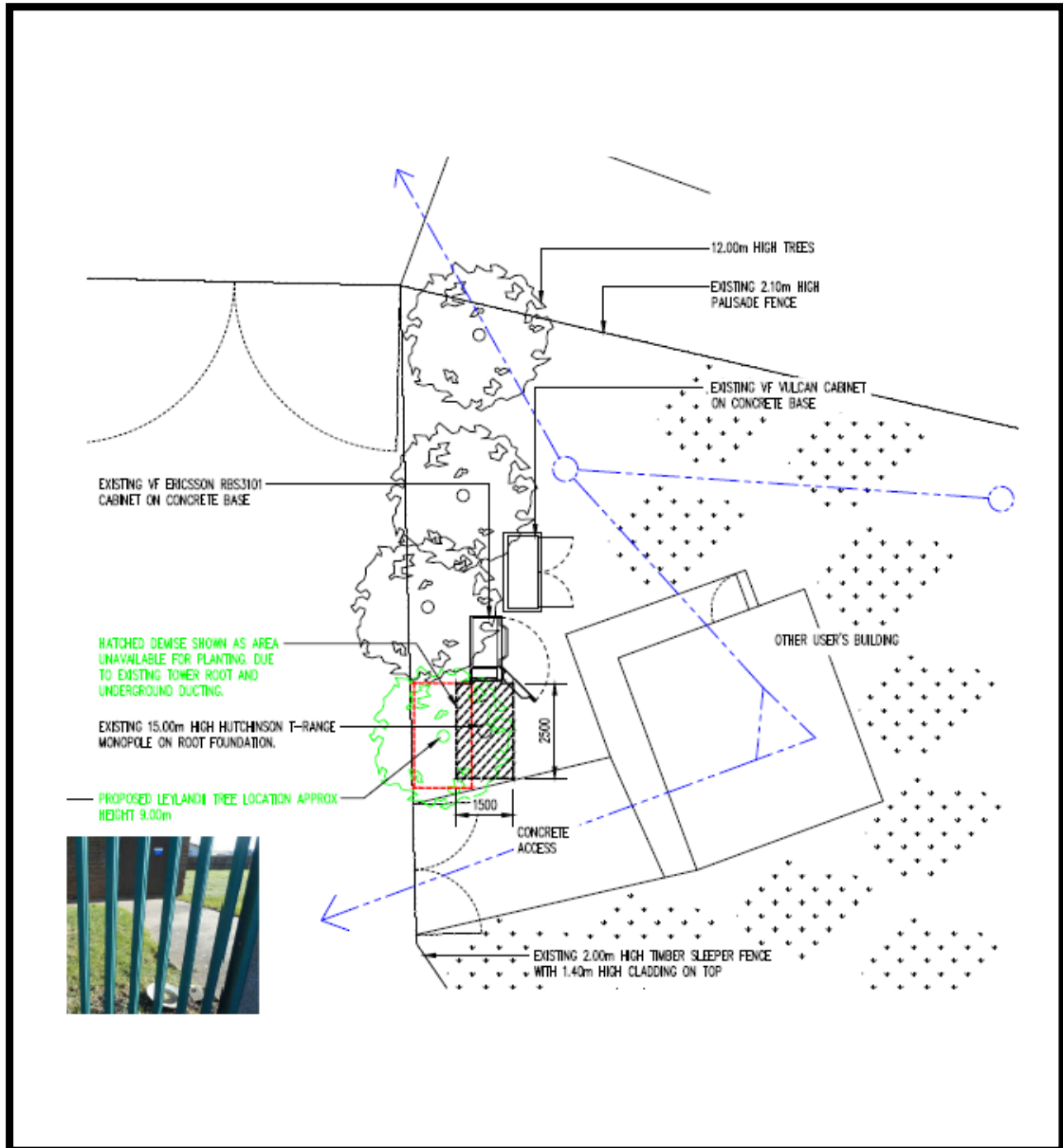
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LOCATION PLAN



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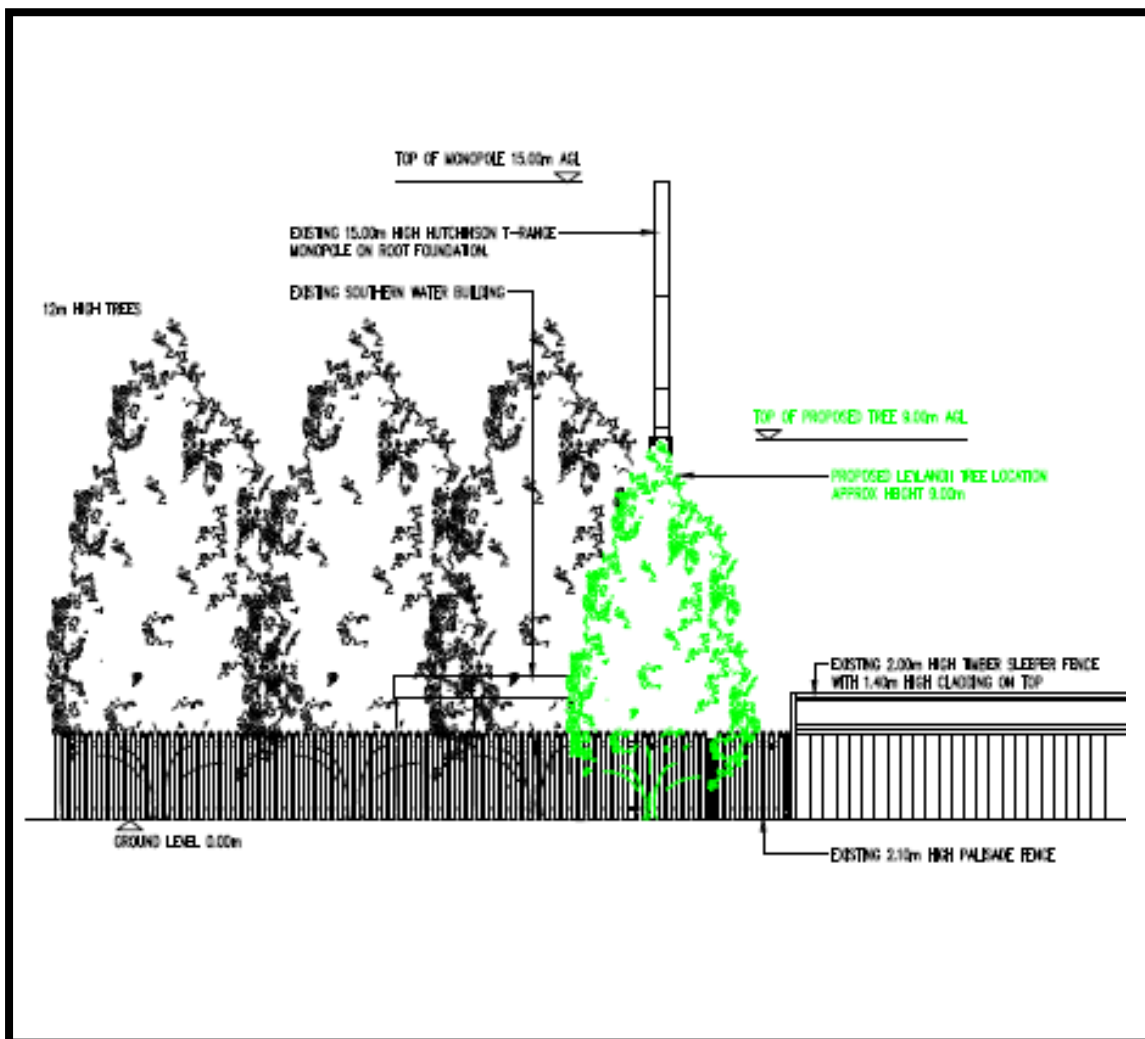
Site Plan



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APPENDIX C

Tree planting conditioned under APP/18/01165



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