

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 27 January 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Keast, Lloyd and Patrick  
(Standing Deputy)

Other Councillors Present:

Councillor(s):

### **6 Apologies for Absence**

Apologies for absence were received from Councillors Howard and Lowe.

### **7 Site Viewing Working Party Minutes**

The minutes of the Site Viewing Working party held on 16 January 2020 were received by the Committee.

### **8 Declarations of Interest**

There were no declarations of interests relating to matters on the agenda.

### **9 Chairman's Report**

The Chairman advised the members of the Committee that there would be a number of extraordinary meetings over the next few months to deal with major applications.

### **10 Matters to be Considered for Site Viewing and Deferment**

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

### **11 APP/19/00421 - Point View, 10 Western Parade, Emsworth**

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

Proposal: Demolition of existing dwelling and construction of a replacement 1No 3 bed detached dwelling including a balcony to the front elevation and a single storey to the rear.

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

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

- (1) included a statement and drawings submitted by Councillor Bowerman;
- (2) a written deputation (including drawings) by Ms Prentice and Mr Fox;
- (3) gave responses to the questions raised by the Site Viewing Working Party held on the 13 October;
- (4) included details of an additional representation received since the agenda was published;
- (5) corrected some typographical errors in the report; and
- (6) included information requested by the Site Viewing Working Party.

The Committee received the following deputations:

- a) Mr Andrews, Mr Fox and Ms Prentice were invited to give their deputations and answer questions from Members of the Committee table; the deputations from Mr Fox and Ms Prentice were submitted in written form. Mr Fox addressed the Committee and objected to the proposal for the following reasons:
  - 1 the proposal would not enhance the area and was therefore contrary to the National Planning Policy Framework;
  - 2 although the application claimed to seek the demolition and replacement of the existing three bed dwelling with another three bed property, the plans showed a second lounge on the first floor, which would be more likely used as a fourth bedroom. Therefore, the proposal should qualify for Solent Recreation Mitigation Strategy contribution;
  - 3 the height of the proposed replacement building could, in some places, result in water running off onto adjoining properties, and in particular 9 Western Parade. A flood risk assessment, as recommended in the report, was necessary for this development;

- 4 The proposed front balcony would allow direct overlooking into the master bedroom of 11 Western Parade to the detriment of the occupiers of this property; and
- 5 the proposal would result in development of a two storey height across the whole width of the plot, creating a terracing effect in the street scene to the detriment of the visual amenities and spatial characteristics of the street scene.

In response to questions raised by members of the Committee:

- (i) the evidence to support the need for a flood assessment was set out in the consultee response submitted by Planning Policy.  
  
(the Chairman pointed out the submission from the Planning Policy Team was their comments on the application; the Environment Agency had submitted no comments on this application)
  - (ii) The works to 9 and 11 Western Parade did not involve raising the levels of these properties. Therefore, a flood assessment was not required.
- b) Mr Potter, on behalf of the applicants, supported the officer's report and made the following additional comments in support of the application:
- (i) this was a similar proposal to the rebuild of 9 Western Parade, which did not require a flood risk assessment;
  - (ii) the application process included consultation with the neighbouring properties and the plans were amended to overcome their concerns;
  - (iii) there would be a greater distance between the proposed dwelling and 11 Western Parade than currently existed;
  - (iv) the proposal would be an improvement on the existing building; and
  - (v) the applicants were prepared to provide screening at both ends of the balcony.

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

- the part of the proposal that would overhang land outside the applicant's ownership was the existing guttering on the two-storey outbuilding; the proposal would result in a removal of some of this guttering;

- the proposed dark hue for external facing/roof materials was recommended by the Chichester Harbour Board.
- the screening at both ends of the balcony were proposed to overcome the concerns raised by the neighbours regarding overlooking; the applicant would prefer not to have this screening.

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

1. The additional statements submitted after the agenda had been published did not affect the conclusions or recommendations set out in the report.
2. There would be a separation distance of 3.25m and 0.3m between 10 and 11 and 9 and 10 Western Parade respectively.

With regard to the concerns raised by Mr Fox in his written deputation:

- The existing building was a four-bedroom house as shown on the ground and first floor plans of the existing building as shown in the presentation
- Part of the current two storey outbuilding would be reduced to a single storey building.
- The dimensions of the walls and balcony in the report were correct
- It was understood that the separation distances had been agreed by the parties involved
- The assessment on the loss of light was included in the report
- The balcony at first floor had been stepped back to reduce overlooking onto neighbouring properties and a condition was recommended requiring screens on both ends of the balcony, to remove the potential of overlooking into neighbours' bedrooms.
- The applicant had declared that the proposal would overhang land outside her ownership and that appropriate notices had been served on the owners of the land affected

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

The Committee considered that:

- (A) the replacement building would be an improvement to the existing dwelling and enhance the area;
- (B) the proposal was in keeping with adjoining properties, the street scene and the surrounding area; and
- (C) The proposal would not have a significant detrimental impact on the adjoining properties to justify a refusal of this application

With regard to the recommended conditions, the Committee considered that in view of the alterations made to the balcony to avoid overlooking, the requirement for screening on both ends of the balcony was not necessary

RESOLVED that application APP/19/00421 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:

Block and Location Plan - Drawing No. 18065-PL-001C  
 Dimensions on block Plan - Drawing No. 18065-PL-101  
 Indicative Proposed Street Scene - Drawing No. 18065-PL-011C  
 Proposed Roof Plan - Drawing No. 18065-PL-008D  
 Proposed Elevations, North & South - Drawing No. 18065-PL-009C  
 Proposed Elevations, West & East - Drawing No. 18065-PL-010D  
 Proposed Ground Floor Plan - Drawing No. 18065-PL-006B  
 Proposed First Floor Plan - Drawing No. 18065-PL-007D  
 Existing Elevations, North & South - Drawing No. 18065-PL-004B  
 Existing Elevations, West & East - Drawing No. 18065-PL-005B  
 Existing Ground Floor Plan - Drawing No. 18065-PL-002B  
 Existing First Floor Plan - Drawing No. 18065-PL-003B  
 Drainage Survey - Project No. 005858

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions, building alterations or side windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, prior to first occupation of the building hereby permitted the windows in the first floor on the east elevation facing No. 9 Western Parade shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 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.

- 7 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 drainage measures to prevent any flooding on surrounding properties, following the raising of the development by 0.5m and 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.

- 8 Prior to the commencement of development, including any works or demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- (i) Arrangements for the storage of construction materials/chemicals and equipment;
  - (ii) Measures to minimise creation and impact of dust;
  - (iii) Arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
  - (iv) Consideration of how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds (i.e. October to March inclusive). This shall include details of noise monitoring of the construction and demolition work at sensitive locations;
  - (v) Any percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor which is the nearest point of the SPA or SPA supporting habitat - high tide roost sites) shall not be undertaken during the bird overwintering period (i.e. October to March inclusive);
  - (vi) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site;
  - (vii) Measures for waste disposal;
  - (viii) Measures for the protection of pedestrian routes during construction;
  - (ix) No burning on-site; and
  - (x) Scheme of work detailing the extent and type of piling proposed.

Reason: To provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, Policies DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 9 Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer to the rear of the site during the course of demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the approved measures and retained thereafter during the construction work for the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the public sewer 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.

- 10 Prior to occupation of the replacement dwelling hereby approved, details of a bat box to be installed on the building shall be submitted to, and approved in writing by the Local Planning Authority. The approved bat box shall be installed in full accordance with the approved details before the occupation of the dwelling and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and biodiversity net gain and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The development hereby approved, shall be built with a minimum separation distance of 3.25 metres between number 10 Western Parade and number 11 Western Parade in accordance with the dimensions on the approved Block Plan number 18065-PL-101.

Reason: In the interests of residential amenity of number 11 Western Parade and in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

**The meeting commenced at 5.00 pm and concluded at 6.11 pm**

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**Chairman**