

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

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COUNCIL AGENDA

Membership: Councillor Mrs Smallcorn (Mayor)

Councillors Mrs Blackett, Bolton, Briggs, Branson, Brown, Buckley, Cheshire, Collins, Cousins, Edwards, Fairhurst, Farrow, Francis, Galloway, Gibb-Gray, Guest, Hart, Heard, Hilton, Keast, Kerrin, Lenaghan, Mackey, Perry, Pierce Jones, Ponsonby, Sceal, Shimbart, Mrs Shimbart, Mrs Smallcorn (Mayor), Smith D, Smith G, Smith K, Tarrant, Turner (Deputy Mayor), Wade, Weeks and Wilson

Meeting: Council

Date: Wednesday 15 October 2014

Time: 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Jo Barden-Hernandez
Service Manager – Legal & Democratic Services

7 October 2014

Contact Officer: Penny Milne (023) 92446234
Email: penny.milne@havant.gov.uk

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PART 1 (Items open for public attendance)

1 Apologies for Absence

To receive and record any apologies for absence.

2 Minutes

1 - 4

To confirm the minutes of the last meeting held on 23 July 2014.

3 Matters Arising

To consider any matters arising from the minutes of the last meeting.

4 Declarations of Interests

To receive any declarations of interests from Members.

5 Mayor's Report

6 Leader's Report

Circulated separately.

7 Cabinet Lead Reports

Circulated separately.

8 Portfolio Holders and Chairmen's Question Time

(i) the Leader and Cabinet Leads to answer questions on matters within their Portfolio.

(ii) Chairmen to answer questions on minutes since the last Council meeting

9 Questions

To receive any questions submitted in accordance with Standing Order 23.4(a).

10 Urgent Questions

To receive any questions submitted in accordance with Standing Order 23.4(b)

11 Acceptance of Minutes

5 - 48

To receive the following minutes of meetings held since publication of the agenda for the last meeting of the Council:

Extraordinary Governance and Audit Committee – 4 August 2014

Development Management Committee – 14 August 2014

Cabinet – 3 September 2014

Development Management Committee – 4 September 2014

Scrutiny Board – 9 September 2014

Governance and Audit Committee – 16 September 2014

Licensing Committee – 24 September 2014

Development Management Committee – 25 September 2014

PART 2 (Confidential items - closed to the public)

None.

GENERAL INFORMATION

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Internet

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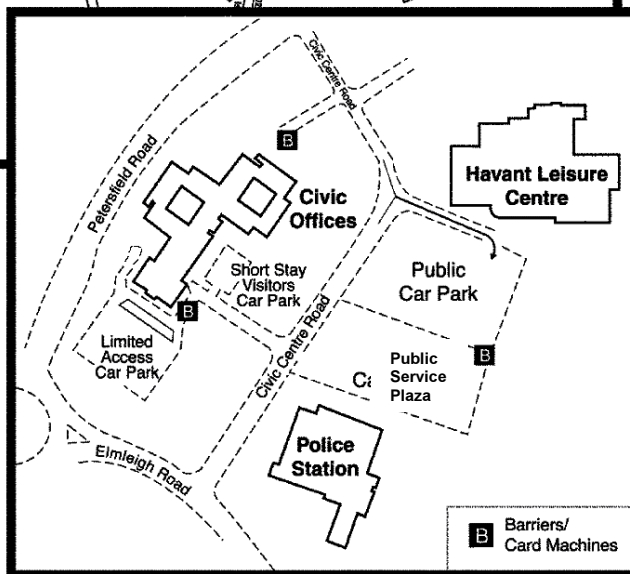
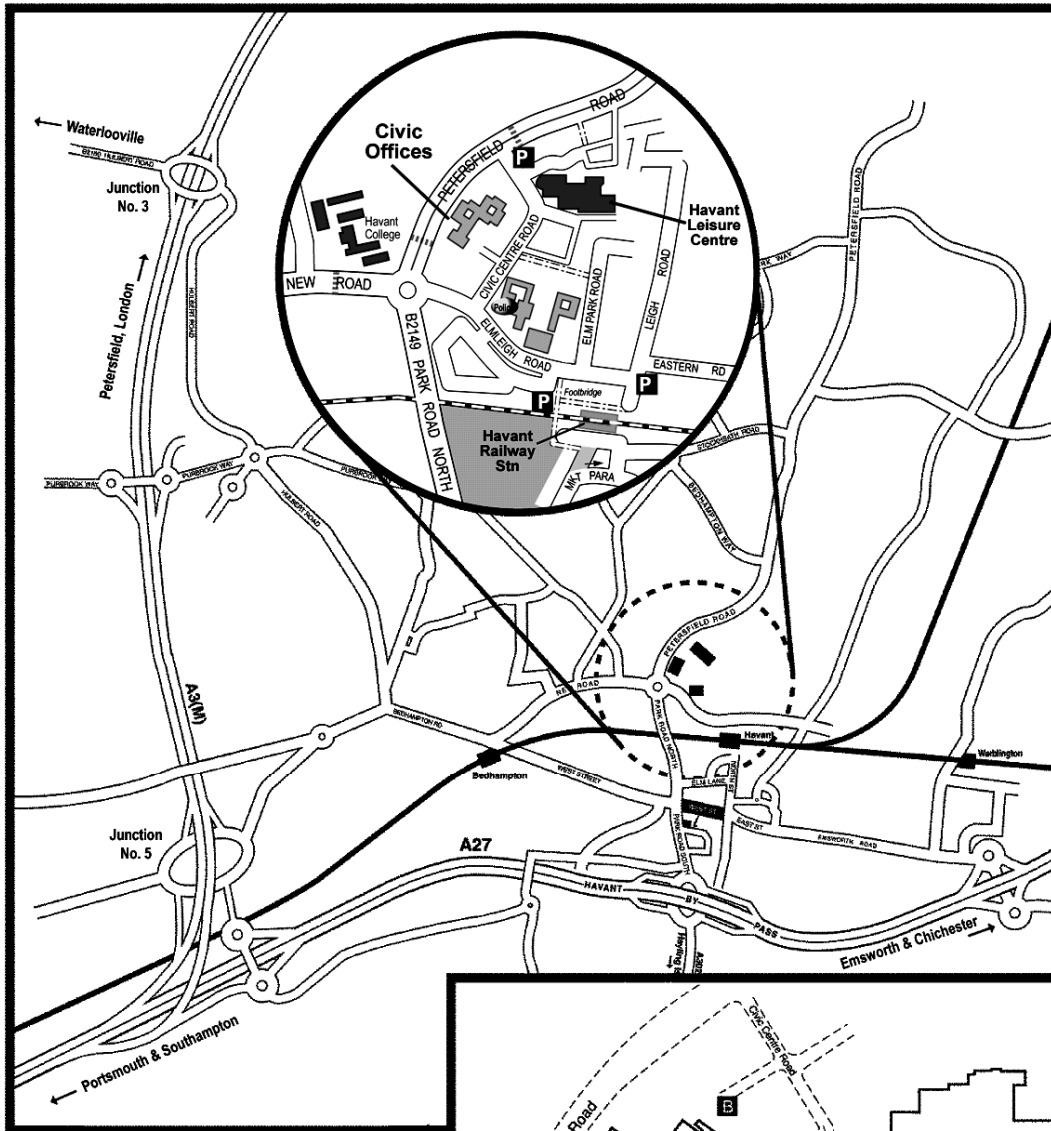
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HAVANT BOROUGH COUNCIL

At a meeting of the Council held on 23 July 2014

Present

Councillor Mrs Smallcorn (Mayor)

Councillors Mrs Blackett, Bolton, Branson, Brown, Buckley, Cheshire, Cousins, Edwards, Fairhurst, Farrow, Francis, Guest, Hart, Heard, Hilton, Keast, Kerrin, Lenaghan, Mackey, Perry, Pierce Jones, Ponsonby, Sceal, Shimbart, Mrs Shimbart, Smith D, Smith G, Smith K, Turner (Deputy Mayor), Wade and Wilson

14 Apologies for Absence

Apologies for absence were received from Councillors Briggs, Galloway, Gibb-Gray and Tarrant.

15 Minutes

The minutes of the Annual Council meeting and the extraordinary Council meeting held on 28 May 2014 were agreed as a correct record.

16 Matters Arising

There were no matters arising from the minutes of the last meetings.

17 Declarations of Interests

There were no declarations of interest from any of the members present.

18 Mayor's Report

The Mayor reported that Reverend Carol Gully would replace Canon Dr Paul Moore as her Chaplain for the remainder of her mayoral year.

The Mayor also reported on the various charity and other events that she had been pleased to attend since the last meeting, highlighting in particular a recent networking event with local business representatives which had provided an opportunity to endorse the message that Havant is 'Open for Business'.

The Mayor also referred to the recent Armed Forces Day service and World War I commemoration events that she had attended and reminded members of the forthcoming Civic Vigil to be held on 3 August.

19 Leader's Report

There were no further matters that the Leader wished to add to his published report.

20 Cabinet Lead Reports

The Cabinet Lead reports had been circulated and the Mayor asked Cabinet members if they wished to add anything to their written reports.

Councillor Guest referred to a recent meeting with the Homes and Communities Agency seeking a progress report on proposals for redevelopment of assets in Harts Farm Way formerly owned by SEEDA and was given an assurance that works were expected to begin in the Autumn.

21 Cabinet/Board/Committee Recommendations

To Council considered the following recommended minutes from the Cabinet arising from its meetings on 25 June and 23 July 2014:

- (A) Councillor Guest presented a recommendation from the Cabinet in relation to neighbourhood planning in Emsworth (Cabinet minute 85/06/2014 refers). Proposed by Councillor Guest and seconded by Councillor Cheshire, it was

RESOLVED that the designation by Havant Borough Council of Emsworth as a Neighbourhood Area, and the Emsworth Forum as the Neighbourhood Forum, for the purposes of neighbourhood planning in Emsworth, be approved and adopted.

- (B) Councillor Guest presented a recommendation from the Cabinet in relation to the Community Infrastructure Levy (Cabinet minute 86/06/2014 refers). Proposed by Councillor Guest and seconded by Councillor Mrs E Shimbart, it was

RESOLVED that

- (1) the Regulation 123 List be reviewed alongside the process of prioritising the distribution of CIL funding;
- (2) the key principles of the Funding Decision Protocol, as set out in paragraph 4.42 of the Cabinet report, be agreed; and
- (3) all of the CIL collected be used to support infrastructure for the communities within the Borough. Of this:
 - (i) up to 5% of CIL receipts will be used within the Planning budget to provide a dedicated resource for the annual monitoring and management required by the CIL regulations. The funding of any additional resource to undertake the additional work related to CIL will be cost neutral to the Council as it will fall within the 5% element;
 - (ii) The remainder of CIL receipts (95%) will be allocated by the Council on behalf of the community for investment in infrastructure for the Borough, in accordance with the Community Infrastructure Levy Funding Decision Protocol (attached at Appendix 1 to the Cabinet report); and

(4) the decision-making process be reviewed in 12 months' time with a view to simplifying it where possible.

(C) Councillor Guest presented a recommendation from the Cabinet in relation to the Local Plan (Allocations) Adoption (Cabinet minute 90/07/2014 refers). Proposed by Councillor Guest and seconded by Councillor Buckley, it was

RESOLVED that:

(1) the Havant Borough Local Plan (Allocations) July 2014 be adopted; and

(2) it be noted that

(i) on adoption, the Local Plan (Allocations) will sit alongside the adopted Local Plan (Core Strategy) and form the Borough's statutory Development Plan (together with the Hampshire Minerals and Waste Plan 2013); and

(ii) on adoption, the Local Plan (Allocations) supersedes the remaining Saved Policies from the Havant District Wide Local Plan and the Council approved Interim Planning Policy Statement, October 2013.

22 Portfolio Holders and Chairmen's Question Time

The Cabinet Leads all answered questions within their remit. There were no questions for the Committee Chairmen.

23 Acceptance of Minutes

Proposed by Councillor Wilson and seconded by Councillor Seal, it was

RESOLVED that the minutes of the meetings held since publication date of the last Council agenda be accepted.

24 Questions

There were no questions or urgent questions.

The meeting commenced at 5.00 pm and concluded at 6.20 pm

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Minute Volume

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HAVANT BOROUGH COUNCIL

At a meeting of the Governance & Audit Committee held on 4 August 2014

Present

Councillor Smith K (Chairman)

Councillors Mackey, Hart, Perry, Wilson and Shimbart

14 Apologies

Apologies for absence were received from Councillors Mrs Smallcorn and C Tarrant.

15 Declarations of Interest

There were no declarations of interests from any of the members present.

16 Chairman's Report

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

17 Changes to Corporate Surveillance Policy and Procedure

The Committee received a report from the Senior Lawyer (Contentious) requesting that the Committee formally review the Council's Corporate Surveillance Policy following two amendments to the Regulation of Investigatory Powers Act 2000 (RIPA):

- 1) In order to carry out covert surveillance authorisation was now required to be obtained from the Magistrates' Court following provisional authorisation by duly authorised Council Officers;
- 2) Authorisation under the Regulation of Investigatory Powers Act 2000 was now only permitted if the purpose of the surveillance was the prevention or detection of crime(s) punishable by six months imprisonment or more, or related to the sale of alcohol or tobacco to underage persons.

The Senior Lawyer brought to the Committees attention to some typographical errors in the report and reminded members that a Councillor training course on the Act was planned for 22 August 2014.

The Committee requested that the Council's Corporate Surveillance Policy come before the Governance and Audit Committee on an annual basis for review.

RESOLVED that the amended Corporate Surveillance Policy be adopted by the Council subject to:

Governance & Audit Committee (4.8.14)

- (a) Paragraph 4 on page 5 being amended to read “It is essential, therefore, that all involved with RIPA comply with this document and any further guidance that may be issued, from time to time by the designated Senior Responsible Officer identified by the Council’s Constitution.” and;
- (b) The first sentence of paragraph 14.1 on page 21 be amended to read “The Officer of Surveillance Commissioners (OSC) has been established under RIPA to facilitate independent scrutiny of the use of RIPA powers by the investigatory bodies that are subject to it.”

The meeting commenced at 5.00 pm and concluded at 5.24 pm

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 14 August 2014

Present

Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Heard, Hilton, Turner and Galloway

22 Apologies for Absence

Apologies for absence were received from Councillor Keast.

23 Minutes

RESOLVED that:

- (a) the Minutes of the meeting of the Development Management Committee held on 17 July 2014 were agreed as a correct record and signed by the Chairman; and
- (b) the minutes of the Site Viewing Working Party held on 7 August 2014 be received.

24 Matters Arising

There were no matters arising.

25 Declarations of Interest

There were no declarations of interests.

26 Chairman's Report

The Chairman reminded the Committee that full Council had adopted the Allocations Plan on 23 July 2014.

27 Matters to be Considered for Site Viewing and Deferment

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

28 Deputations

The Committee received the following deputations/representations:

- (1) Ms Thompson (objector) – Application APP/14/00633 – 11 Manor Way, Hayling Island (Minute 29)

- (2) Mr Jones (objector) – Application APP/14/00633 – 11 Manor Way, Hayling Island (Minute 29)
- (3) Mr and Mrs Graham (applicants) – Application APP/14/00633 – 11 Manor Way, Hayling Island (Minute 29)
- (4) Councillor Lenaghan (ward councillor) – Application APP/14/00633 – 11 Manor Way, Hayling Island (Minute 29)
- (5) Councillor Wilson (ward councillor) – APP/14/00633 – 11 Manor Way, Hayling Island (Minute 29)
- (6) Mr Broomhead (on behalf of the Mengham Fields Residents’ Group) – Application APP/14/00488 – Development Site North of Goldring Close, Hayling Island (Minute 30)
- (7) Ms Knowles (owner of the AONB land and drainage ditch to the South East of the site) – Application APP/14/00488 Development Site North of Goldring Close, Hayling Island (Minute 30)
- (8) Mr Nash (applicant’s representative) – Application APP/14/00488 Development Site North of Goldring Close, Hayling Island (Minute 30)
- (9) Councillor Wilson (councillor) – Application APP/14/00488 Development Site North of Goldring Close, Hayling Island (Minute 30)
- (10) Councillor Perry (ward councillor) – Application APP/14/00488 Development Site North of Goldring Close, Hayling Island (Minute 30)
- (11) Mr Nash (applicant’s representative) – Application APP/14/00613 - 1 Hawthorne Grove, Hayling Island (Minute 31)

29 Application APP/14/00633 - 11 Manor Way, Hayling Island

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

Proposal: Retrospective planning application for rear dormer window, three roof lights on the front elevation and side window to gable end

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

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

- (a) included:

- (i) the written deputation submitted by Mrs Thomson;
 - (ii) a letter received from the applicants dated 6 August 2014;
 - (iii) the initial email sent to the Council from the applicants dated 14 November 2013 and a copy of the Council's response to this email;
 - (iv) a letter from Mr and Mrs Thompson; and
 - (v) comments received from Mr and Mrs Jones dated 9 August 2014.
- (b) gave details of corrections to the report and additional information submitted by the officers.

The Committee was addressed by the following deputees:

- (1) Ms Thompson, who, referring to the photos included in the report and presentation, objected to the proposal for the following reasons:
- (a) the development caused unacceptable harm to the amenity of neighbours to the south of the site through loss of privacy and overlooking;
 - (b) restrictive covenants prohibited further windows and an attic conversion on the application site;
- (2) Mr Jones, who objected to the proposal for the following reasons:
- (c) the development contravened planning conditions and restrictive covenants restricting development of the application site;
 - (d) although the fact that the development had been completed made it difficult for the Council to refuse this application, the reasons for withdrawing permitted development rights and imposing restrictive covenants on the site were still relevant;
 - (e) the patio doors and balconies, the subject of the application, gave rise to direct overlooking to the detriment of properties immediately to the south of the application site;

Mr Jones requested the Committee to refuse this application.

- (3) Mr and Mrs Graham, the applicants, who supported the application for the following reasons:

- (f) the development was required to accommodate an elderly relative;
 - (g) clarification was sought from the Council as to whether there were any restrictions before commencing the development. In view of the Council's response, the Council had indicated that permitted development rights applied and the development was constructed to conform with permitted development rights;
 - (h) this application was submitted at the request of the Council and "without prejudice" as the Council had given permission for the development to proceed within permitted development rights; and
 - (i) the removal of the tree screen in the garden of 156 prior to this development permitted overlooking of that property and removed their privacy: this application did not significantly increase the degree of overlooking;
 - (j) this development did not set a precedent, 19 Manor Way had patio doors of the same height and aspect;
 - (k) the Development complied with the Council's Borough and Hayling Island Design Guides;
 - (l) the imposition of additional conditions requiring further work would impose additional and unnecessary financial costs: full compensation would be sought
- (4) Councillor Lenaghan, who read the deputation submitted by Mr and Mrs Thompson referred to in a(i) above and on behalf of the objectors objected to the development for the following reasons:
- (m) the patio doors and balconies gave rise to overlooking to the detriment of the amenities and privacy of the occupiers of 154, 156 and 158 Seafront; in particular 156 Seafront;
 - (n) the tree screen was reluctantly removed because it was damaging the structure of the garage at 156 Sea Front;
 - (o) the development was in contravention of restrictive covenants controlling development of the application site
- (5) Councillor Wilson, who with reference to slides submitted prior to the meeting supported the application for the following reasons:
- (p) the development was constructed in accordance with permitted development rights and complied with Policy CS16;

- (q) the applicants had acted in good faith and any reasonable person would have interpreted the Council's response in the same way as the applicants;
- (r) the patio doors and balconies did not significantly increase the degree of overlooking;
- (s) 154 to 158 Sea Front were properties on the sea front and should be accustomed to being overlooked;
- (t) the removal of the tree screen gave rise to direct overlooking of 156 Sea Front before the development commenced; these trees had not been replaced; and
- (u) with the exception of the additional option included in the information circulated prior to the meeting, the options included in the report would burden the applicants with unnecessary additional costs.

Councillor Wilson urged the Committee to grant unconditional permission

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

- (1) the reasons for the withdrawal of permitted development rights when permission was granted in 1986 had not been recorded. However, it was reasonable to assume that the protection of the privacy of 154 to 158 Sea Front could have been an issue;
- (2) if the Council had not withdrawn the permitted development rights in 1986, this development could have been constructed without the need for an application for planning permission; and
- (3) the Council's initial response to the applicant was too simplistic.

The Committee discussed this application in detail together with the views raised by the deputees and an amendment to grant permission subject to all the conditions set out in the report., However the majority of the Committee considered that the development did not increase the degree of overlooking and was therefore acceptable. The Committee was advised that if it was minded to grant permission without requiring any changes to the development it should impose recommended conditions 2 and 3 as set out in the report. It was therefore

RESOLVED that Application APP/14/00633 be granted permission subject to the following conditions:

- 1 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows, doors or

other openings shall be constructed in any part of the dormer /dormer window on the rear roofslope hereby approved without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard the privacy of neighbouring occupiers and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

6195.13c

Reason: - To ensure provision of a satisfactory development.

(the meeting adjourned at 6.09pm and resumed at 6.18 pm)

30 **Application APP/14/00488 - Development Site North of Golding Close, Hayling Island**

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

Proposal: Reserved matters application for 131No. open market and affordable dwellings including 10No. one bed dwellings, 25No. two bed dwellings, 52No. three bed dwellings, 40No. four bed dwellings and 4No. five bed dwellings with associated residential curtilages, parking and turning areas, public open space and surface water attenuation features; and discharge of conditions 5, 6, 10, 15 and 21 of Planning Permission APP/14/00966 approved by appeal APP/X1735/A/13/2192777.

The Committee considered the written report of the Executive Head of Planning and Built Environment.

The Committee also received additional information, circulated prior to the meeting, which

- (1) updated the community involvement and representation sections;
- (2) included an additional recommended condition to the report relating to the eastern boundary hedge;
- (3) set out changes to the standard plans condition

During the meeting the Committee received an update on the number of representations received and details of additional matters raised by representations received since the agenda was published.

The Committee was addressed by the following deputies:

- (1) Mr Broomhead, who on behalf of the Mengham Fields Residents' Group, objected to the application for the following reasons:
- (a) the increase in the number of bedrooms would lead to an increase in the capacity threshold for the Tournerbury/Church Road junction to the detriment of road users including pedestrians and cyclists; a second access to St Margarets should be pursued in order to balance out traffic flows
 - (b) the proposed cycle/pedestrian access in St Margarets Road was partially un-adopted and unsuitable for the proposed usage;
 - (c) the proposal would have a detrimental impact on the AONB and the adjacent fields used by overwintering birds;
- (Mr Broomhead failed to complete his deputation within the allotted time slot)
- (2) Ms Knowles, the owner of the AONB land and drainage ditch to the South East of the site, who objected to the application for the following reasons:
- (d) the flood assessment had not been modified to take into account changes to the scheme since the outline stage;
 - (e) plots 115 to 118 should be moved away from the boundary;
 - (f) it was premature to grant permission for the specific layout proposed as the drainage scheme had not been approved: such a scheme should be submitted to the public for consultation and the Development Management Committee for approval
- (Ms Knowles requested the Committee to defer consideration until all the relevant information had been submitted)
- (4) Mr Nash, the applicant's representative, who supported the application for the following reasons:
- (g) the site was within the Council's adopted Allocations Plan;
 - (h) the development would help the Council meet its housing supply targets;
 - (i) the proposal had been the subject of extensive public consultation and amendments made to address concerns raised during the consultation process;

- (j) no objections had been received from statutory consultees;
- (k) the development was of a high quality with a varied mix to reflect market demand and followed similar design themes to the indicative layout presented at the outline stage;
- (l) works had commenced on clearing the drainage system to overcome the existing drainage problems on the site; and
- (m) boundary landscaping would be reinforced to reduce the impact on adjoining properties and there would be a very limited impact on the Area of Outstanding Natural Beauty.

Mr Nash urged the Committee to grant permission

- (5) Councillor Wilson, who raised the following issues;
 - (n) care should be taken to improve the junction with St Margarets Road to ensure that the development did not exacerbate the existing traffic problems in the area and in the interests of highway safety for other road users including pedestrians and cyclists;
 - (o) the layout and internal structure should be amended to ensure that there was a safe cycle route through the development;
 - (p) Footpath 101 should be upgraded to provide a pedestrian/cycle route;
 - (q) the footpath/cycle routes should be made up to the same standard as the Hayling Billy Trail; and
 - (r) the developers should be urged to seek an access through plots 117/118.
- (6) Councillor Perry, who objected to the proposal for the following reasons:
 - (s) the proposed housing mix did not conform with that approved by the Inspector at the appeal and so had unintended consequences;
 - (t) the emergency exit plans to St Margarets Road had not yet been approved and therefore compromised the safety of able bodied and disabled pedestrians and cyclists;
 - (u) inadequate boundary screening and protection was being provided for Brent Geese and waders on the adjacent field and also the Area of Outstanding Natural Beauty;

- (w) it was premature at this stage to agree a housing layout before the foul and surface water drainage system had been submitted to and approved by the Council;
- (x) the open space provision was inadequate compared with similar developments in Emsworth and Portsmouth; and
- (y) the plans and documents were inaccurate in a number of respects: this application should only be considered when the applicant has resubmitted a complete and accurate application supported by a foul and surface water drainage scheme that had been approved by Southern Water;

(Councillor Perry urged the Committee to refuse this application and require the applicant to submit a complete application)

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

- (A) the highway net work was close but not yet at full capacity and current modelling demonstrated that the traffic likely to be generated by this scheme would not have a significantly harmful cumulative impact on the highway network. Such modelling covered a range of different housing compositions and it would therefore be concluded that the transport assessment submitted in respect of the outline application (which included an indicative mix of house sizes) was equally applicable to the specific mix of house types now proposed. A refusal on highway grounds could not therefore be justified;
- (B) the Inspector had not specified the housing mix for this site. The proposed housing mix was in accordance with the Council's policies and PUSH guidelines. All relevant statutory consultees had been consulted on this mix and had not raised any objections to the application;
- (C) Condition 19 of the outline permission prohibits the construction of any of the houses until details of the access provision from St Margarets Road had been agreed by the Council;
- (D) the proposal had been designed to minimise the impact on the Chichester Harbour Area of Outstanding Natural Beauty and to overcome the concerns raised by the Chichester Harbour Conservancy at the consultation stage.

The Committee discussed this application in detail together with the views raised by the deputees. The majority of the Committee considered that the housing mix was acceptable and it was therefore:

RESOLVED that application APP/14/00488 be granted permission subject to:

- (A) the variation of the S106 agreement attached to planning permission APP/12/00966 as described at paragraph 7.27 of the report, and
- (B) the conditions imposed on the outline Planning Permission APP/12/00966 except conditions 5, 6, 10, 15 and 21 which are hereby discharged, and
- (C) the following conditions (subject to the amendments set out in (D) below):

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.

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:

Site Location P 01 received 12/05/2014
 Block Plan P 02 rev H received 28/07/2014
 Site Plan 1 of 5 P 03-1 rev D received 22/07/2014
 Site Plan 2 of 5 P 03-2 rev C received 22/07/2014
 Site Plan 3 of 5 P 03-3 rev C received 22/07/2014
 Site Plan 4 of 5 P 03-4 rev D received 28/07/2014
 Site Plan 5 of 5 P 03-5 rev D received 22/07/2014
 Fencing Plan P 04 rev B received 12/05/2014
 Housing Mix Plan P 05 rev B received 12/05/2014
 Existing Site Section AA P 06 received 12/05/2014
 Proposed Site Section AA A1 P 07 received 12/05/2014
 Existing Site Section BB P 08 received 12/05/2014
 Proposed Site Section BB P 09 received 12/05/2014
 Existing Site Section CC P 10 received 12/05/2014
 Proposed Site Section CC P 11 received 12/05/2014
 Street Elevations P 12 received 12/05/2014
 Arboricultural Impact Appraisal and Method Statement received 21/07/2014
 Tree Protection Plan received 21/07/2014
 Landscape Proposals 1 of 5 ID591- 01 E received 31/07/2014
 Landscape Proposals 2 of 5 ID591- 02 D received 31/07/2014
 Landscape Proposals 3 of 5 ID591- 03 D received 31/07/2014
 Landscape Proposals 4 of 5 ID591- 04 D received 31/07/2014
 Landscape Proposals 5 of 5 ID591- 05 E received 31/07/2014
 Plant Schedule and Soft Landscaping Specification ID591-06 E received 28/07/2014
 Construction Management Statement V5 received 31/06/2014
 Construction Management Plan 001 rev B received 23/07/2014
 Footpath and Cycle Plan

Flood Risk Assessment and Outline Drainage Strategy
received 12/05/2014
Planning Statement received 12/05/2014
Design and Access Statement received 12/05/2014
Biodiversity Mitigation, Enhancement and Management Plan
received 12/05/2014
Affordable Housing Statement received 12/05/2014
Refuse Vehicle Tracking 4159-115 received 21/07/2014

Dwelling Details

TYPE H 02 PLANS P-H02-01 rev A received 10/06/2014 and
ELEVATIONS P-H02-02 received 12/05/2014
TYPE H 06 PLANS P-H06-01 rev A received 10/06/2014 and
ELEVATIONS P-H06-02 received 12/05/2014
TYPE H 07 PLANS P-H07-01 rev A received 10/06/2014 and
ELEVATIONS P-H07-02 received 12/05/2014
TYPE H 08 PLANS P-H08-01 rev A received 10/06/2014 and
ELEVATIONS P-H08-02 received 12/05/2014
TYPE H 09 PLANS P-H09-01 rev A received 10/06/2014 and
ELEVATIONS P-H09-02 received 12/05/2014
TYPE H 10 PLANS P-H10-01 rev A received 10/06/2014 and
ELEVATIONS P-H10-02 received 12/05/2014
TYPE H 11 PLANS P-H11-01 rev A received 10/06/2014 and
ELEVATIONS P-H11-02 received 12/05/2014
TYPE H 12 PLANS P-H12-01 rev A received 10/06/2014 and
ELEVATIONS P-H12-02 received 12/05/2014
TYPE H 13 PLANS P-H13-01 rev A received 10/06/2014 and
ELEVATIONS P-H13-02 received 12/05/2014
TYPE H 14 PLANS P-H14-01 rev A received 10/06/2014 and
ELEVATIONS P-H14-02 received 12/05/2014
TYPE H 15 PLANS P-H15-01 rev A received 10/06/2014 and
ELEVATIONS P-H15-02 received 12/05/2014
TYPE H 15 PLANS VARIANT P- H15-03 and ELEVATIONS
VARIANT P-H15-04 received 22/07/2014
TYPE H 25 PLANS P-H25-01 rev A received 10/06/2014 and
ELEVATIONS P-H25-02 received 12/05/2014
TYPE H 25 PLANS VARIANT P-H25-03 and ELEVATIONS
VARIANT P-H25-04 received 22/07/2014
TYPE S 01 PLANS P-S01-01 rev A received 10/06/2014 and
ELEVATIONS P-S01-02 received 12/05/2014
TYPE S 02 PLANS P-S02-01 rev A received 10/06/2014 and
ELEVATIONS P-S02-02 received 12/05/2014
TYPE S 05 block A FLOOR PLANS P-S05-01 rev A, ROOF
PLAN P-S05-02 rev A, ELEVATIONS SHEET 1 P-S05-03 rev A
and ELEVATIONS SHEET 2 P-S05-04 rev A received
10/06/2014
PLOTS 38-41 GROUND FLOOR PLANS P-B38-01, FIRST
FLOOR PLANS P-B38-02, ROOF PLANS P-B38-03
ELEVATIONS SHEET 1 P-B38-04 and ELEVATIONS SHEET
2 B38-05 received 10/07/2014

PLOTS 64-66 GROUND FLOOR PLANS P-B64-01, FIRST FLOOR PLANS P-B64-02, ROOF PLANS P-B64-03 ELEVATIONS SHEET 1 P-B64-04 and ELEVATIONS SHEET 2 B64-05 received 10/07/2014
 PLOTS 86-88 GROUND FLOOR PLANS P-B86-01, FIRST FLOOR PLANS P-B86-02, ROOF PLANS P-B86-03 ELEVATIONS SHEET 1 P-B86-04 and ELEVATIONS SHEET 2 B86-05 received 10/07/2014
 Garage P-GAR-01 received 12/05/2014
 Refuse + Cycles P-REF-01 received 12/05/2014
 Garden Store P-SHE-01 received 12/05/2014
 S+S sub station P-SUB-01 received 12/05/2014
 Materials Palette A & B P-PAL-AB received 12/05/2014
 Materials Palette C & D P-PAL-CD received 12/05/2014
 Materials Palette E & F P-PAL-EF received 12/05/2014
 Materials Palette G & H P-PAL-GH received 12/05/2014

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall commence until the proposed 2.4 metre high acoustic fencing to the eastern site boundary shall be installed as shown on Construction Management Plan 001 rev B and shall remain in place until construction works are completed or unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure that measures are provided in the interests of bio-diversity and protected species having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 No development shall commence until a plan is submitted indicating which plots will be built with which material palette. No light weatherboarding shall be used at first floor level on dwellings adjacent to the eastern boundary of the site. The development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the amenities of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A and E of the 2008 Order, as amended, shall be erected within the curtilage of plots 14, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 45, 57, 64, 65, 66, 86, 87, 88, 106, 107, 127, 129, 128, 130 and

131 without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the area and the root protection zones of the trees to be retained within the site and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no alteration to the roofs of plots 1, 2, 3, 23, 24, 25, 52, 53, 54, 55, 56, 57, 59, 131, 130, 129, 128 and 127 hereby approved, including the addition of windows permitted by Part 1, Classes B and C of the 2008 Order as amended, shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order no walls, fences or other means of enclosure of any kind permitted by Part 2, Class A of the 2008 Order as amended shall be erected to the rear boundaries of plots 131, 130, 129, 128 and 127 without the prior written approval of the Local Planning Authority.

Reason: In the interests of the protection of the eastern boundary hedge and having due regard to policies CS11, DM8 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 The proposed works shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement and Tree Protection Plan prepared by Barrell Tree Consultancy dated 21 July 2014.

Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 9 The eastern boundary hedge shall be replanted and reinforced in accordance with the submitted landscaping proposals hereby approved and such landscaping works shall be implemented within the first planting season following the commencement of

development on site unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure that measures are provided in the interests of the visual amenity of the adjacent AONB, bio-diversity and protected species and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- (D) Such amendments to condition 2 as the Executive Head of Planning and Built Environment considers necessary to ensure that this condition reflected the amendments made to the application as set out in the additional information circulated prior to the meeting and those amendments reported at the meeting.

31 Application APP/14/00613 - 1 Hawthorne Grove, Hayling Island

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

Proposal: Demolish existing dwelling and construct part of access road to serve adjacent development land to south (pursuant to Outline Planning Permission APP/12/00966 approved on appeal ref APP/X1735/A/13/2192777 for 131 dwellings).

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

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

- (a) of additional representations received since the agenda was published; and
- (b) of additional conditions and changes to the standard plans condition.

During the meeting the Committee was advised of changes to the following conditions:

- (a) Condition 3 to be amended so as to permit demolition or development prior to the erection of the acoustic fence provided that such works were not undertaken during the over wintering bird season; and
- (b) Condition 6 be amended so as to clarify which part of Beech Grove should not be used after the access road had been completed

The Committee was addressed by Mr Nash, the applicant's representative, who supported the application for the following reasons:

- (1) the applicant had amended the application to:

- (a) overcome ecological concerns;
- (b) overcome concerns regarding the impact of the development on 3 Hawthorne Grove; and
- (c) provide a safe access to the site and ensure that this access did not cause danger and inconvenience to users of Beech Grove and Hawthorne Grove;

In response to questions raised by a member of the Committee, the officers gave details of changes made to address the concerns of the occupier of 3 Hawthorne Grove:

The Committee discussed this application in detail together with the views raised by the depute. The Committee considered that the proposal (as amended) was acceptable. It was therefore

RESOLVED that Application APP/14/00613 be granted permission subject to:

- (A) the following conditions (subject to the amendments set out in (B) below):

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was 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:

Location Plan received 1 July 2014
 Engineering Layout ref 4159 -100 rev F received 24 July 2014
 Surface Finishes ref 4159 -101 rev D received 24 July 2014
 Construction details ref 4159 -104 rev D received 24 July 2014
 Longitudinal Sections and Cross Sections received 1 July 2014
 Construction Management Plan ref T002 received 28 July 2014
 Construction Management Statement V3 received 31 July 2014
 Arboricultural Impact Appraisal and Method Statement received 21 July 2014
 Tree Protection Plan ref 14207- BT2 received 21 July 2014

Reason: - To ensure provision of a satisfactory development.

- 3 No demolition or development shall commence until the proposed 2.4 metre high acoustic fencing to the eastern site boundary shall be installed as shown on Construction Management Plan 002 rev A and shall remain in place until

construction works are completed or unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure that measures are provided in the interests of bio-diversity and protected species having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The proposed works shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement and Tree Protection Plan prepared by Barrell Tree Consultancy dated 21 July 2014.

Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 5 In accordance with the plans hereby permitted the private un-made lane at the south edge of Beech Grove shall be resurfaced or left in no worse condition than prior to works commencing.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 In accordance with the plans hereby permitted when the access road has been completed and is in use the existing Beech Grove access shall not be used for construction traffic associated with the implementation of the development the subject of Planning Permission APP/12/00966.

Reason: In the interests of the retained Oak tree and the amenities of the area and having due regard to policies DM8 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

7. Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.

Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

8. No bonfires shall take place on the site during demolition, clearance and construction.

Reason: To protect the health of trees and natural features to be retained and in the interests of residential amenity and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- (B) Such amendments to conditions 2, 3 and 6 as the Executive Head of Planning and Built Environment considers necessary to ensure that:
- (i) Condition 2 reflected the amendments made to the application as set out in the additional information circulated prior to the meeting and those amendments reported at the meeting;
 - (ii) Condition 3 permitted demolition or development prior to the erection of the acoustic fence provided that such works were not undertaken during the over wintering bird season; and
 - (iii) Condition 6 clarified which part of Beech Grove should not be used after the access road had been completed.

The meeting commenced at 5.00 pm and concluded at 8.00 pm

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Chairman

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HAVANT BOROUGH COUNCIL

At a meeting of the Cabinet held on 3 September 2014

Present Councillor Cheshire (Chairman)

Councillors Briggs, Branson, Fairhurst, Guest and Weeks

91 Apologies for Absence

There were no apologies for absence.

92 Minutes

The minutes of the Cabinet meeting held on 25 June and the extraordinary Cabinet meeting held on 23 July 2014 were agreed as a correct record.

93 Matters Arising

There were no matters arising from the minutes of the last meetings.

94 Declarations of Interests

There were no declarations of interest from any of the members present.

95 Chairman's Report

There were no matters the Chairman wished to report.

96 Cabinet Lead Delegated Decisions, Minutes from Meetings etc.

RESOLVED that the following be noted:

- (1) Minutes of the Portchester Crematorium Joint Committee held on 16 June 2014;
- (2) Delegated Decision – Traffic Regulation Order: New Brighton Road, Emsworth;
- (3) Delegated Decision – Traffic Regulation Order: Bedhampton Hill Area;
- (4) Delegated Decision – Traffic Regulation Order: Selsmore Road, Hayling Island;
- (5) Delegated Decision – Traffic Regulation Order: Hambledon Parade;
- (6) Delegated Decision - Corporate Surveillance Policy and Procedure.

In relation to item (5) Councillor Briggs reported that an objection received in response to the consultation had been incorporated within the Order.

In relation to item (6) Councillor Branson reported that the Governance and Audit Committee had received training and that the Council had just satisfactorily completed an inspection by the Office of Surveillance Commissioners of its RIPA policy and procedures.

97 Business Rates Reoccupation Rate Relief Scheme

Councillor Branson presented a report seeking Cabinet approval for the Business Rates Reoccupation Rate Relief Scheme in line with Government guidelines.

RESOLVED that the introduction of the Business Rates Reoccupation Rate Relief Scheme as set out in the Appendix to the report be approved.

98 Developer Contributions Towards Sports Facilities

Councillor Weeks and Councillor Briggs presented a proposal for the Council to provide up to £250,000 of developers' contributions to support applications for external match funding for improvements to sports facilities at Front Lawn Recreation Ground.

The report included a detailed breakdown of the quantitative and qualitative data upon which the recommendation to support the Front Lawn application had been based and Cabinet members were supportive of the proposal on that basis.

RESOLVED that

- (1) The officers be authorised to devote time to supporting applications for external funding for the project to improve sports facilities in Front Lawn recreation ground; and
- (2) Should an external funding bid for the project to improve sports facilities in Front Lawn recreation ground be successful, a maximum of £250,000 of developers' contributions be committed to the project.

The meeting commenced at 2.00 pm and concluded at 2.24 pm

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 4 September 2014

Present

Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Heard, Hilton, Turner and Smith D (Standing Deputy)

32 Apologies for Absence

Apologies for absence were received from Councillor Keast.

33 Minutes

The Minutes of the meeting of the Development Management Committee held on 14 August 2014 were agreed as a correct record and signed by the Chairman.

34 Matters Arising

There were no matters arising.

35 Declarations of Interest

There were no declarations of interests.

36 Chairman's Report

The Committee noted that with effect from 6 August 2014, the public had the right to film, record and use social media during meetings open to the public. A protocol had been published giving guidance on acceptable conduct for filming recording and photographing and the use of traditional and social media tools e.g. blogging Twitter Facebook at meetings.

37 Matters to be Considered for Site Viewing and Deferment

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

38 Changes to the Deputation Procedure

The Committee considered a report from the Democratic Services Team recommending that a time limit be introduced for deputations made by Havant Borough Councillors, who were not members of the Committee ("Non Members").

The Committee considered that ten minutes would, in most cases, be sufficient to enable a Non Member to represent his or her constituents whilst enabling the meeting to proceed in a timely manner: in exceptional cases the Chairman should have the discretion to permit additional time provided that she was given 24 hours notice before the meeting commenced.

RESOLVED that the adopted deputation procedure be amended so as to:

- (a) set a standard time limit of ten minutes for deputations by Havant Borough Councillors, who are not members of the Committee, ("Non Members"), and
- (b) give authority to the Chairman of the Committee to allow for additional time for a deputation by Havant Borough Councillors, who were Non Members of the Committee, in exceptional cases provided that the request:
 - (1) is received by the Chairman of the Committee 24 hours before the meeting commences;
 - (2) gives adequate reasons for an extension of time; and
 - (3) specifies the amount of extra time required.

The meeting commenced at 5.00 pm and concluded at 5.12 pm

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Chairman

HAVANT BOROUGH COUNCIL

At a meeting of the Scrutiny Board held on 9 September 2014

Present

Councillor Shimbart (Chairman)

Councillors Buckley, Cousins, Lenaghan, Perry, Smith D, Turner, Ponsonby, Mackey and Mrs Shimbart

17 Apologies

Apologies for absence were received from Councillors Keast, K Smith and Tarrant.

18 Minutes

RESOLVED that the minutes of the meeting of the Scrutiny Board held on 22 July 2014 be approved as a correct record.

19 Matters Arising

There were no matters arising from the minutes of the last meeting.

20 Declarations of Interests

There were no declarations of interest from any of the members present.

21 Chairman's Report

There were no matters the Chairman wished to report to the Board.

22 Events Scrutiny Review

The Board considered a report from the Economy and Communities Scrutiny and Policy and Development Panel setting out the Panel's findings in connection with its review of Havant Borough Council's involvement in events held across the borough.

As no Panel members were available the Community Service Manager was invited to join the meeting and answered members' questions in connection with the Panel's report.

A query was raised over the cost of the Council's involvement in several events and whether the money could be better utilised. In response it was confirmed that the Panel's report included a recommendation that the Council becomes a supporter or enabler of events in order to reduce delivery costs. The Board agreed that future events should be evaluated for their impact and a more detailed breakdown of the costs be provided.

The Board was encouraged to note the number and wide variety of events held throughout the borough. To help assist organisers with the costs of holding existing events, whilst encouraging new events, the Board requested that the council investigate the possibility of providing blanket public liability insurance for approved events in the borough. Members' also suggested that for events requiring a road closure officers explore the possibility of storing road closure signs at the depot.

At the conclusion of the debate the Chairman thanked the Panel and the Community Service Manager for all their hard work in producing a comprehensive report.

RECOMMENDED to the Cabinet that:

- (1) The Council to move to become a supporter or enabler of events, except for the few large scale events which have a significant role in drawing visitors into the borough;
- (2) Events that are run or supported by HBC should be evaluated for their impact and reported to the relevant Portfolio Holder with an annual report presented to Cabinet and Scrutiny;
- (3) The Economic Development service continue to allocate the current level of officer resource to the management of events that take place on HBC land;
- (4) The Mayors Secretary role in events management be recognised and that forms part of the overall events function, ensuring that sufficient resource is available to support, enable and run events;
- (5) The Economic Development team actively promote business engagement in the various business networks encouraging businesses to become part of a network;
- (6) The Community service to work with Economic Development to host workshops with businesses to develop events ideas and planning, and promote the benefits of business networks; and
- (7) The possibility of organising blanket insurance schemes for the organisers of approved events in the borough be investigated.

23 Grass Cutting Review

The Board received a report from the Environment and Neighbourhood Quality Scrutiny and Policy Development Panel in connection with its review of grass cutting.

The Operational Services Manager joined the Panel for the debate on this item.

It was confirmed that grass cutting difficulties had been experienced earlier in the year due to the exceptional weather conditions and issues surrounding machinery and staff recruitment. It was felt that the reduction in the number of targeted cuts was not a factor in the problems experienced and with normal weather conditions a target of nine cuts was achievable.

During the course of the discussion the Board enquired how often Portsmouth City Council (PCC) undertook grass cutting on their land which was situated within the borough. It was confirmed that the grass cutting schedule for PCC was currently unknown. The Board requested that the possibility of HBC taking over these duties be investigated to ensure there was a uniform cutting schedule throughout the borough.

At the conclusion of the debate the Chairman thanked the Operational Services Manager for attending the meeting and the Panel for producing an informative report.

RECOMMENDED to the Cabinet that

- (1) The Operational Services Manager and the Executive Head work together to ensure they had correctly trained staff staffing levels before the cutting season started;
- (2) The Workshop Manager, Operational Services Manager and the Executive Head introduce a satisfactory servicing and repair regime;
- (3) An update be provided to the Board in February 2015 on the Council's readiness for the 2015 grass cutting season; and
- (4) The possibility of taking over the grass cutting of open spaces owned by Portsmouth City Council which are situated within the borough of Havant be explored.

24 Scrutiny Board Work Programme - 2014/15

The Board was given an opportunity to review progress with regard to the work undertaken by the scrutiny/policy review panels since the last meeting and to identify any additional matters for inclusion in the Board's work programme.

RESOLVED that progress to date with regard to the Board's work programme be noted and that no additional matters be selected for scrutiny/policy review at the present time.

The meeting commenced at 5.00 pm and concluded at 6.03 pm

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Chairman

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HAVANT BOROUGH COUNCIL

At a meeting of the Governance & Audit Committee held on 16 September 2014

Present

Councillor Smith K (Chairman)

Councillors Perry, Tarrant, Wilson, Francis and Shimbart

18 Apologies

Apologies for absence were received from Councillors Mrs Smallcorn and Hart.

19 Minutes

RESOLVED that the minutes of the meetings of the Governance and Audit Committee held on 17 June 2014 and 4 August 2014 be approved as a correct record.

20 Matters Arising

There were no matters arising from the minutes of the last meeting.

21 Declarations of Interest

On the advice of the Solicitor to the Council, Councillors K Smith and Wilson gave notice that they would withdraw from the meeting during Minute 30 as they had a personal involvement in the matters to be discussed.

22 Chairman's Report

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

23 External Audit Progress report and Annual Results Report 2013/14

The Committee considered two papers presented by Ernst and Young LLP. Helen Thompson and Ian Young of Ernst and Young LLP joined the meeting for the debate on this item and answered members' questions in connection with the report.

The Audit Progress Report provided the Committee with an overview of the stage reached in the 2013/14 audit and an outline of their plans for the remainder of the year.

The Audit Results Report provided a summary of the preliminary audit conclusion in relation to Havant Borough Council's financial position and results for year ended 31 March 2014.

During the course of the discussion concern was expressed by the Committee that not all Councillors had completed their related party transaction

Governance & Audit Committee (16.9.14)

declarations. It was suggested that the Chairman inform the Leader of the Council about the Committee's concern.

RESOLVED that the report be noted.

24 Statement of Accounts 2013/14 and Letter of Representation

The Committee received the audited Statement of Accounts 2013/14 and the Council's Letter of Representation for approval. The Corporate Accountancy Team Leader answered members questions in connection with the report during the course of the discussion.

RESOLVED that

- 1) The Statement of Accounts for 2013/14 be agreed; and
- 2) The draft Letter of Representation be agreed.

25 Annual Governance Statement 2013/14

The Committee was provided with the Annual Governance Statement for Havant Borough Council which accompanied the 2013/14 Statement of Accounts.

RESOLVED that the report be noted.

26 Internal Audit Progress Report 2014-15

Antony Harvey and Amanda Chalmers of the Southern Internal Audit Partnership presented the Committee with the Internal Audit Progress Report which provided an overview of internal audit activity against assurance work completed in accordance with the approved audit plan.

The Committee was pleased to note that good progress had been made in achieving its performance targets and that no significant issues had been identified.

RESOLVED that the report be noted.

27 Quarterly Update on Corporate Risks from the Executive Board

The Committee received a report from the Executive Head for Governance and Logistics detailing the Council's corporate governance and risk management arrangements for 2014/15.

An overview of the highest corporate risks reviewed by the Joint Executive Board on 5 August 2014 was provided and the details of these noted.

RESOLVED that the most serious corporate risks reviewed by the Joint Executive Board on 5 August be noted.

28 Havant Borough Council Constitution

There was no business to discuss under this item.

29 Local Government Ombudsman

The Solicitor to the Council introduced the Local Government Ombudsman Annual Review Letter 2014 and provided details on the one complaint upheld.

RESOLVED that the Local Government Ombudsman Annual Review Letter 2014 be noted.

30 Code of Conduct Complaints

(Councillors K Smith and Wilson left the meeting room during this item)

A spreadsheet detailing the latest situation regarding code of conduct complaints was circulated and noted by the Committee.

RESOLVED that the report be noted.

The meeting commenced at 5.00 pm and concluded at 6.05 pm

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HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 24 September 2014

Present

Councillor Wilson (Chairman)

Councillors Edwards, Francis, Farrow, Kerrin, Pierce Jones, Ponsonby, Sceal, Shimbart, Smith K (Vice-Chairman) and Tarrant

10 Apologies

There were no apologies for absence.

11 Minutes

RESOLVED that the minutes of the meetings of the Licensing Committee held on 28 May 2014 and 11 June 2014 be approved as a correct record.

12 Matters Arising

There were no matters arising.

13 Declarations of Interests

There were no declarations of interests from any of the members present.

14 Licensing Sub-Committee

RESOLVED that the minutes of the meetings of the Licensing Sub Committee held on 20 June 2014 and 16 July 2014 be approved as a correct record.

15 Chairman's Report

The Chairman informed the Committee that an appeal against the decision of the Licensing Sub Committee held on 16 July 2014 had been lodged.

Members were also thanked for attending the licensing training held on 25 July 2014.

16 Application For a Street Trading Consent - Mobile Catering Trailer - London Road Precinct, Waterlooville

The Committee was asked to consider a report from the Economic Development Officer concerning an application for a street trading consent to sell take away food and drink from a mobile catering trailer on London Road precinct, Waterlooville. The application had been referred to the Committee as there had not been a food concession on that part of the precinct before.

Licensing Committee (24.9.14)

The Committee received a deputation from Mr Rosenthal in support of his application.

No objections had been received from the Waterlooville Business Association or ward councillors and the Economic Development Officer supported the application.

RESOLVED that Mr J Rosenthal be granted consent to sell American Tex-Mex – Mexican takeaway hot food and hot/cold drinks from a mobile trailer on London Road precinct Waterlooville subject to the following conditions:

- (a) Trading to be permitted on London Road precinct only subject to agreement with the Economic Development Officer;
- (b) Trading be permitted between the hours of 12.00 and 23.00, Monday to Saturday inclusive;
- (c) The trader would as far as possible reduce the smell of foods affecting other businesses;
- (d) During the times of trading the trader provide receptacles for litter in the vicinity of their stand. The trader was required to keep the area in the vicinity of their stand clean and tidy and free from any litter or debris attributable to their trading;
- (e) The trader complied with the following environmental health legislation:
 - The Food Hygiene (England) Regulations 2006
 - Regulation (EC) 852/2004
 - Regulation (EC) 853/2004
 - Regulation (EC) 178/2002
 - The Health and Safety at Work etc Act 1974
 - And any subsequent amendments to the above legislation; and
- (f) Any such conditions as the Council Solicitor considered appropriate.

The meeting commenced at 5.00 pm and concluded at 5.18 pm

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 25 September 2014

Present

Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Heard, Hilton, Keast and Turner

39 Apologies for Absence

There were no apologies for absence.

40 Minutes

RESOLVED that:

- (a) the Minutes of the meeting of the Development Management Committee held on 4 September 2014 were agreed as a correct record and signed by the Chairman; and
- (b) the minutes of the Site Viewing Working Party held on 17 September 2014 were received.

41 Matters Arising

There were no matters arising.

42 Declarations of Interest

There were no declarations of interests.

43 Chairman's Report

The Chairman had nothing to report.

44 Matters to be Considered for Site Viewing and Deferment

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

45 Deputations

The Committee received the following deputations/representations:

- (1) Mr Smith (objector) – Application APP/14/00669 – Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth (Minute 46)

- (2) Mr Turner (applicant's representative) – Application APP/14/00669 – Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth (Minute 46)
- (3) Councillor Galloway (ward councillor) - Application APP/14/00669 – Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth (Minute 46)
- (4) Councillor Mackey (ward councillor) - Application APP/14/00669 – Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth (Minute 46)

46 APP/14/00669 - Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth

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

Proposal: Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth.

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment to grant permission and to take enforcement action.

The Committee also considered additional information, circulated prior to the meeting which:

- included information requested by the Site Viewing Working Party relating to the previous use of the application site and the responses of the applicant to moving the working area to the rear yard;
- gave details of representations received since the agenda was published;
- gave details of an amended plan and further information submitted by the applicant; and
- gave details of the comments of Economic Development.

The Committee was addressed by the following deputies:

- (1) Mr Smith, who objected, on behalf of the residents of the residential properties in Palmers Road, to the proposal and supported enforcement action for the following reasons:
 - (a) the noise and fumes generated by a B2 use was unsuitable for this area: the previous B1 use of the site was acceptable;

- (b) the noise and fumes generated by this current use had a detrimental impact on the living conditions of the occupiers of 1-6 Palmers Road, Emsworth;
 - (c) the applicant had, in the past, agreed to make changes and introduce equipment to alleviate the problems but non of these improvements had been made;
- (2) Mr Turner, the applicant's representative, supported the proposal and objected to the enforcement action for the following reasons:
- (f) changes and equipment had been introduced to overcome the Residents' concerns as shown during the visit by the Site Viewing Working Party;
 - (g) the applicant was willing to make changes set out in the supplementary information referred to above and had already covered the compressor with sound deadening board;
 - (h) the applicant was not originally aware of the restrictions on hours of working and now complied with these restrictions;
 - (i) The business provided much need employment and had accumulated 300 customers, who would suffer if the business was forced to close. The business would like to remain and be an integral part of the community;
- (3) Councillor Galloway, agreed in principle to the views of Economic Development as set in the supplementary information referred to above. However, he, on behalf of the residents of 1 – 6 Palmers Road ("the residents") objected to the proposal and supported enforcement action for the following reasons:
- (j) the Council had restricted the units to light industrial use and the hours machinery could be worked to protect the amenities of the residents: these conditions were still required;
 - (k) the change of use to B2 for this unit would create a precedent which would have a detrimental impact on the residents;
 - (l) the needs of a business should not override the need to protect the amenities of nearby residents
- (4) Councillor Mackey, ward councillor, supported the application and objected to enforcement action for the following reasons:
- (o) there were other units in Palmers Road that were B2 use. Therefore this application did not create a precedent;

- (p) the applicant had proposed and already commenced changes to overcome the concerns of the residents. Despite the concerns raised in the submitted report, it was not impossible to impose conditions to protect the amenities of the residents. A temporary permission of nine months would give the applicant an opportunity to introduce changes to the workshop and working practices and for the council to monitor to see if changes introduced reduced the impact on neighbouring residents;
- (q) it was questionable whether this was a B2 use

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

- (1) a majority of the other units in Palmers Road were B2 units;
- (2) the relationship and proximity of Unit 1 to the residential properties in Palmers Road differed from the other units in this road and a B2 use in this unit would have a greater impact on the residential impact on the residents;
- (3) the Council could grant a temporary permission and make the permission personal to JCB Motorcycle Services;
- (4) the Officers did not consider that it would be possible to impose conditions that would satisfactorily overcome the noise nuisance issue and meet the tests for precise, reasonable, enforceable conditions as set in the National Policy Planning Framework
- (5) the date when the photographs shown as part of the officer's presentation were not known; and
- (6) the Council understood that the applicant had apologised to neighbours and was now discussing ideas with them;
- (7) the vehicle parked in the rear yard during the visit by the Site Viewing Working Party belonged to the adjoining unit; and
- (8) a business which serviced motor vehicles (including motorcycles) was considered a B2 use.

The Committee discussed this application and use in detail together with the issues raised by the deputies. On balance the Committee considered the applicant should be given temporary permission to enable him to make changes to overcome the concerns of the residents and to enable the Council to monitor the effectiveness of these changes after a period of time.

In response to a debate on the length of the trial period, the officers advised that this period should be long enough to enable the Council to establish whether or not a permanent permission was acceptable: a period of 6 months would not enable the Council to monitor the operation of the business during the summer months when the impact on the residents would be greatest. It was suggested that if the Committee was minded to grant temporary permission, it should set a trial period of 12 months. Although two members considered that 9 months would be a more appropriate trial period, a majority of the Committee considered that a 12 months temporary permission was acceptable.

It was also recommended that if the Committee was minded to grant permission, additional conditions to cover the following matters should be imposed to protect the amenities of the residents

- (A) A personal condition restricting the permission to the benefit of JCB Motorcycle Services only;
- (B) An hours condition – Machinery shall only be worked between 08.30am – 18.00pm Monday to Friday and 08.00am – 13.00pm Saturdays; none on Sundays or Bank Holidays;
- (C) A condition prohibiting testing and working on vehicles on the forecourt of the unit;
- (D) A condition limiting the only outside testing of vehicles to be undertaken in the rear yard of Unit 1;
- (E) A condition requiring that a bi fold door/partition be installed after details had been submitted and approved by the Council;
- (F) A standard condition requiring that the development be carried in accordance with the submitted plans.

RESOLVED that

- A That application APP/14/00669 be granted temporary permission for 12 months subject to additional conditions to cover:
 - 1 a personal condition restriction the permission to the benefit of JCB Motorcycle Services only
 - 2 Machinery should only be worked between 08.30am – 18.00pm Monday to Friday and 08.00am – 13.00pm Saturdays; none on Sundays or Bank Holidays;;
 - 3 The forecourt area shall be used for the parking of motorbikes and customer vehicles only. At no time shall motorbikes or other vehicles be examined or worked on within the forecourt area;

- 4 Only the rear yard should be used for any outside testing and examining of motorbikes;
- 5 The internal bi fold doors shown on the submitted plans should be installed to meet acoustic standards to be first agreed with the council;
- 6 a standard condition requiring that the development be carried in accordance with the submitted plans.

Such conditions to be imposed to protect the amenities of the residents of 1-6 Palmers Road

- B the wording of the conditions set out in A above be agreed by the Executive Head of Planning and Built Environment.

47 APP/14/00794 - Stoke Farm, Northwood Lane, Hayling Island

Proposal: Remove epicormic growth from main stem and large scaffold limbs to eastern, north eastern and south eastern aspects of 1No. Black Poplar (T1), the tree subject to TPO 1893.

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

RESOLVED that Application APP/14/00794 be granted consent subject to the following conditions:

- 1 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (2010) Recommendation for Tree Works.

Reason: In the interests of tree health and safety.

- 2 The tree works for which consent is hereby given shall not exceed: Removal of epicormic growth on eastern, south eastern and north eastern sectors of tree up to a height of 5 metres.

Reason: To safeguard the health and well being of the tree and its importance in the local landscape.

- 3 The tree works for which consent is hereby granted shall be carried out and completed no later than 30th September 2015.

Reason: To control the timing of the works.

The meeting commenced at 5.00 pm and concluded at 6.04 pm

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Chairman

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