

HAVANT BOROUGH COUNCIL  
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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, Smith D, Smith G, Smith K, Howard, Turner (Deputy Mayor), Wade, Weeks and Wilson

**Meeting:** Council

**Date:** Wednesday 18 February 2015

**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

10 February 2015

Contact Officer: Penny Milne (023) 92446234  
Email: [penny.milne@havant.gov.uk](mailto: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 - 6

To confirm the minutes of the last meeting of the Council held on 10 December 2015.

**3 Matters Arising**

**4 Declarations of Interests**

To receive any declarations of interests from Members.

**5 Mayor's Report**

The Mayor to formally invite organisers of the Emsworth British Food Fortnight to present a report to the Council on winning the national "Bring Home the Harvest/British Food Fortnight" award.

**6 Leader's Report**

**7 Provisional Appointment of Mayor 2015/16**

**8 Provisional Appointment of Deputy Mayor 2015/16**

**9 Leader's Budget Speech**

(1) Budget Speech by the Leader of the Council;

(2) Reply by the Leader of the Opposition Group;

(3) Leader reply to the Opposition Group; and

(4) Questions for clarification to the Leader of the Council.

**10 Cabinet/Board/Committee Recommendations**

**The Council to consider the following recommendations arising from the Cabinet meeting held on 4 February 2015:**

**(A) Revenue Budget 2015/2016 to 2019/2020**

RECOMMENDED to Council:

(a) that the following be approved, as set out in the report to the Cabinet on 4 February 2015:

(1) The proposed Revenue and Capital Budget for 2015/2016, including a Council Tax rate of £192.78 at Band D (0% increase);

(2) The Treasury Management Strategy and Prudential Indicators; and

(3) Proposed Prices for Services for 2015/2016

- (b) That it be noted that (on 8th January, 2015) the Chief Finance Officer calculated the Council Tax Base 2015/2016 for the whole Council area as 38,846.07 [Item T in the formula in Section 31B(1) of the Local Government Finance Act 1992, as amended, (the “Act”)] and that this Council Tax base be split between the regions of the Environment Agency as follows:

Southern – Hampshire – 38,106.00  
Southern – Sussex – 740.07

- (c) That the following amounts be calculated by the Council for the year 2015/2016 in accordance with Sections 31 and 34 to 36 of the Act.

(i) £ 70,193,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act;

(ii) £ 62,704,250 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;

(iii) £7,488,750 being the amount by which the aggregate at d(i) above exceeds the aggregate at d(ii) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in section 31A(4) of the Act);

(iv) £192.78 being the amount at d(iii) above (Item R), divided by Item T (c above), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year;

- (e) Valuation Bands

|         |         |         |         |
|---------|---------|---------|---------|
| A       | B       | C       | D       |
| £128.52 | £149.94 | £171.36 | £192.78 |
| E       | F       | G       | H       |
| £235.62 | £278.46 | £321.30 | £385.56 |

being the amounts given by multiplying the amount at d(iv) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in

respect of categories of dwellings listed in different valuation bands.

- (f) That it be noted that for the year 2015/2016 the Hampshire County Council (see (h) below) and Police and Crime Commissioner for Hampshire and Hampshire Fire and Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:

Valuation Bands – Hampshire County Council

|           |           |           |           |
|-----------|-----------|-----------|-----------|
| A         | B         | C         | D         |
| £691.92   | £807.24   | £922.56   | £1,037.88 |
| E         | F         | G         | H         |
| £1,268.52 | £1,499.16 | £1,729.80 | £2,075.76 |

Valuation Bands – Police and Crime Commissioner for Hampshire

|         |         |         |         |
|---------|---------|---------|---------|
| A       | B       | C       | D       |
| £104.89 | £122.37 | £139.85 | £157.33 |
| E       | F       | G       | H       |
| £192.29 | £227.25 | £262.22 | £314.66 |

Valuation Bands – Hampshire Fire and Rescue Authority

|         |        |        |         |     |
|---------|--------|--------|---------|-----|
| A       | B      | C      | D       |     |
| £40.92  | £47.74 | £54.56 |         | £61 |
| E       | F      | G      | H       |     |
| £75.02  |        | £88.66 | £102.30 |     |
| £122.76 |        |        |         |     |

- (g) That having calculated the aggregate in each case of the amounts at (e) and (f) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby, but subject to Hampshire County Council, Hampshire Fire & Rescue Authority and the Police and Crime Commissioner confirming the precept at (f) above on 19 February 2015, 20<sup>th</sup> February 2015 and 18<sup>th</sup> February 2015 respectively, sets the following amounts as the amounts of Council Tax for the year 2015/2016 for each of the categories of dwellings shown below:

Valuation Bands

|           |           |           |           |
|-----------|-----------|-----------|-----------|
| A         | B         | C         | D         |
| £966.25   | £1,127.29 | £1,288.33 | £1,449.37 |
| E         | F         | G         | H         |
| £1,771.45 | £2,093.53 | £2,415.62 | £2,898.74 |

- (h) If the Precepting Bodies decide a different precept than stated above the calculation and setting of the final total council tax figure for 2015/2016 be delegated to a special meeting of the Cabinet (if required) to be held on 27th February 2015, the Cabinet meeting on that date being as a Committee appointed by the Council for the purpose of Section 67(3) of the Local Government Finance Act 1992. That meeting shall only be authorised to amend the figures at (f) in accordance with their decisions in February 2015 and the overall Council Taxes at (g) above accordingly.

[Note: At the time of the publication of this agenda the figures for the Precepting Bodies are based upon current proposals. If these change before the Council meeting councillors will be advised before the meeting].

## **(B) Corporate Strategy 2015-20**

RECOMMENDED to full Council that the Corporate Strategy 2015-20 as set out in the agenda for the Cabinet meeting held on 4 February 2015 be approved and adopted subject to the following amendment to Appendix 1:

That, under “In the future our environment will”, the first paragraph be amended to include the word ‘harbours’ so as to read:

“Enhance our area as a great place to live and work – we will use and enhance our countryside, harbours and coastline J”

## **(C) Community Infrastructure Levy: Spending**

RECOMMENDED to full Council that:

- (1) Up to £50,000 of CIL funding be used, working in partnership with Hampshire County Council, to commission a feasibility study into the costs, options for construction and a business case for the Havant Station footbridge to lever in funding from other sources;
- (2) Remaining funds collected up to 31 March 2015 to be carried forward, pending the outcome of the studies for the Havant

Station Footbridge and the Southmoor Lane / Harts Farm Way junction signalisation options;

- (3) Other bids be not supported at this time due to the limited funds currently available from the CIL;
- (4) The revised Funding Decision Protocol at Appendix C to the Cabinet report be agreed; and
- (5) The Executive Head (Planning & Built Environment), in consultation with the Cabinet Lead for Planning Policy and the Built Environment, be authorised to amend the explanatory notes to the Regulation 123 List for clarification.

**11 Cabinet Lead Reports**

**12 Cabinet Leads and Chairmen's Question Time**

- (i) the Leader and Cabinet Leads to answer questions on matters within their respective reports.
- (ii) Chairmen to answer questions on minutes of meetings since the last Council meeting.

**13 Questions**

In accordance with Standing Order 23.4 (a).

**14 Urgent Questions**

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

**15 Acceptance of Minutes**

**7 - 78**

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

**PART 2 (Confidential items - closed to the public)**

None.

## **GENERAL INFORMATION**

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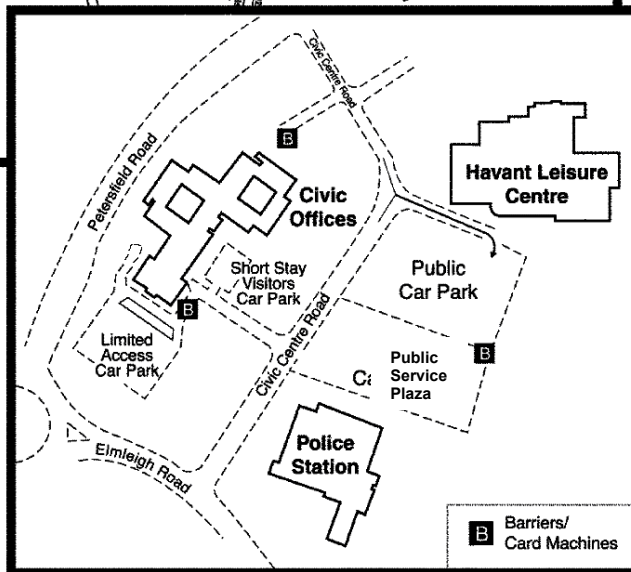
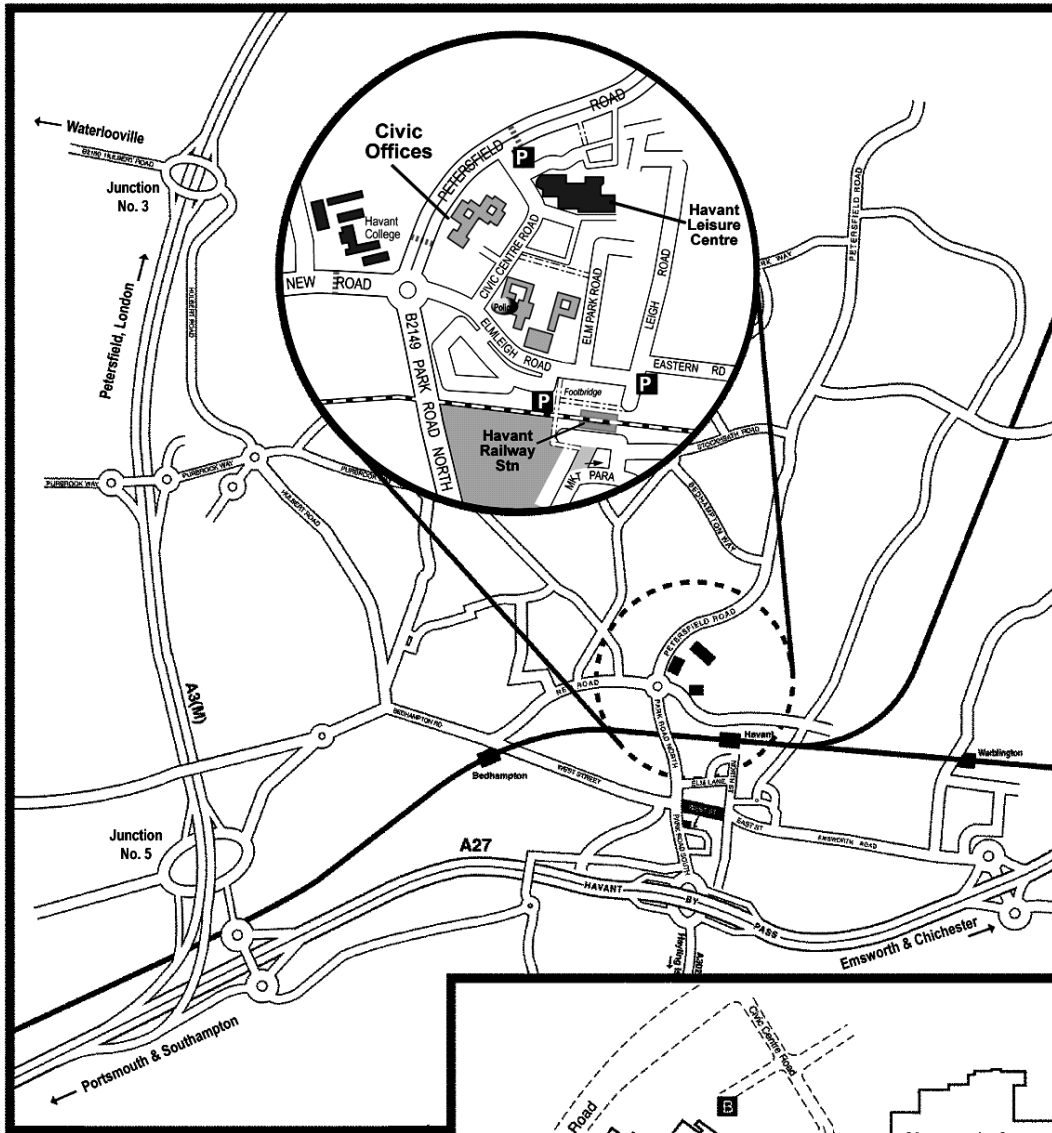
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# Havant

## BOROUGH COUNCIL

### **PROTOCOL AT COUNCIL MEETING – AT A GLANCE**

#### **Sit or Stand?**

Stand to address the Council/Mayor at all times

#### **Rules of Debate**

- always address each other as “Councillor ...”
- a motion or amendment has to be proposed and seconded
- once an amendment has been proposed and seconded, it becomes the subject of the debate until it is either accepted or rejected by a vote
- a seconder can choose to make their speech at a later time
- only one Councillor to stand at any one time
- speeches will not exceed 5 minutes (the Council can resolve to allow additional time, which will not exceed a further 3 minutes)
- a Councillor proposing a Motion is allowed 10 minutes to introduce and 5 minutes to reply to debate
- a Councillor proposing the adoption of a Committee/Board minute has sufficient time to propose and unlimited time to reply to debate
- a Councillor can only speak again on an amendment, to move a further amendment, on a point of order or personal explanation.

#### **Questions and Motions**

Motions must be submitted in writing (or by email) to the Democratic Services Team Leader 6 working days prior to the Council meeting. Questions must be submitted in writing (or by email) to the Democratic Services Team Leader 2 working days prior to the Council meeting.

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## HAVANT BOROUGH COUNCIL

At a meeting of the Council held on 10 December 2014

Present

Councillor Mrs Smallcorn (Mayor)

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

### **35 Apologies for Absence**

Apologies for absence were received from Councillors Edwards and Galloway.

### **36 Minutes**

Proposed by Councillor Keast and seconded by Councillor Sceal, it was

RESOLVED that the minutes of the meeting of the Council held on 15 October were approved as a correct record.

### **37 Matters Arising**

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

### **38 Declarations of Interests**

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

### **39 Mayor's Report**

The Mayor reported on the various charity and other events that she had attended since the last meeting of the Council, including various commemorative events across the Borough marking the start of the First World War.

### **40 Leader's Report**

The Leader encouraged members of the Council to support a charity Christmas gift collection for underprivileged children in the Borough.

### **41 Notice of Motion**

The Council considered the following Notice of Motion proposed by Councillor Francis and seconded by Councillor Ponsonby:

“The Council recommends that we explore the possibility of becoming

a living wage employer. This would give a lead to businesses in our area to follow our example. Over 80 other Councils, including Portsmouth and Brighton and Hove are already committed to this.

Notes:

- 1 Under the new pay scales, which begin in January, 16 of our employees will not be on the Living Wage.
- 2 Some of these employees are having to moonlight to support themselves and their families.
- 3 A typical rent for a two bedroom house in Leigh Park is £700 per month; a substantial deposit (often equal to two months rent) is usually required."

The following amendment was proposed by Councillor Branson and seconded by Councillor Cheshire:

"The Council recommends that officers continue to work with UNISON to raise our lowest levels of pay to the rate of £7.85 per hour"

Following the vote, the Mayor declared the amendment carried. The Mayor then put the substantive motion to the Council and it was

RESOLVED that the Council recommends that officers continue to work with UNISON to raise our lowest levels of pay to the rate of £7.85 per hour.

#### **42 Calendar of Meetings 2015-16**

Proposed by Councillor Buckley and seconded by Councillor Blackett, it was

RESOLVED that the Calendar of Meetings for 2015/16 be approved.

#### **43 Cabinet Portfolio Reports**

The Mayor asked the Cabinet Leads if there were any matters they wished to add to their published reports.

Councillor Branson reported that, following lengthy negotiations with UNISON, consultations with staff would be undertaken during January and February 2015 on proposed new terms and conditions of employment.

Councillor Guest reported that the planning peer review had now been completed and a report was expected within the next few weeks.

Councillor Fairhurst was pleased to report that in a recent residents' survey of local authorities, Havant Borough Council had been ranked top in the responses to 'are you

satisfied with Council services?’ and ‘are you satisfied with the value for money that your Council delivers?’

Councillor Weeks provided an update on grant funding for Front Lawn Recreation Ground.

Councillor Briggs provided an update on cycling infrastructure and changes to pedestrian crossings in the Borough, the information to be made available on the Council’s website for members’ information.

#### **44 Cabinet/Board/Committee Recommendations**

The Council considered the following Cabinet and Committee recommendations:

- (A) Recommendation arising from the Cabinet meeting held on 19 November 2014 relating to the Council Tax Support Scheme (Cabinet minute 111/11/14 refers). Proposed by Councillor Briggs and seconded by Councillor Blackett it was:

RESOLVED that:

- (1) that the 2014/15 Council Tax Support Scheme is retained for 2015/16 but with the following amendments:
  - (i) the Allowances and Premiums used in determining entitlement for working age claims are changed as set out in paragraph 6.3 of this report;
  - (ii) the Non-Dependant deductions used in determining entitlement for working age claims are changed as set out in paragraph 6.4 of this report.
- (2) that the Service Manager (Revenues & Benefits) makes the necessary amendments to the Council Tax Support Scheme document and arranges for its publication in accordance with Local Government Finance Act 1992 Section 13A(2)

- (B) Recommendation arising from the Cabinet meeting held on 19 November 2014 relating to the Polling Districts Review (Cabinet minute 112/11/14 refers). Proposed by Councillor Branson and seconded by Councillor G Shimbart it was:

RESOLVED that

- (1) the polling districts designated for the purposes of Sections 18A and 31 of the Representation of the people Act 1983 (as amended) be and remain as recorded in the current Register of Electors for the Borough of Havant; and
- (2) there be no changes made to the currently designated polling places or action taken in relation to allocated polling stations save that the “Proposed Actions”

set out in Paragraph 7.5 to the Cabinet report be noted and approved.

- (C) Recommendation arising from the Licensing Committee meeting held on 12 November 2014 relating to proposed Hackney Carriage Fare Increase (Licensing Committee minute 22/11/2014 refers). Proposed by Councillor G Shimbart and seconded by Councillor Seal it was:

RESOLVED that

- (1) the following increases be advertised:
  - (i) No increase in the 'flag drop' but change the mileage 'for the first 171 metres or part thereof' to 'first 154 metres' and 'For each succeeding 210 metres' to '189 metres';
  - (ii) the waiting time be increased from 20 pence for each period of 60 seconds to 25 pence;
- (2) any objections to the above proposals following the advertisement be considered by the Licensing Committee; and
- (3) if there are no objections then the increase be implemented 28 days from the date the proposed fare increases were first advertised.

- (D) Recommendation arising from the Licensing Committee meeting held on 12 November 2014 relating to proposed Taxi Licensing fees (Licensing Committee minute 23/11/2014 refers). Proposed by Councillor Wade and seconded by Councillor K Smith it was:

RESOLVED that:

- (1) the variations to the Hackney Carriage and Private Hire licence fees as set out in the appendix to Licensing Committee minutes (minute 23/11/2014 refers) be advertised; and
- (2) if no objections to the proposed variations are received they be implemented on 1 April 2015.

- (E) Recommendation arising from the Governance and Audit Committee meeting held on 2 December relating to Changes to Corporate Surveillance Policy and Procedure 2014 (Governance and Audit minute no 38/12/2014 refers). Proposed by Councillor Wilson and seconded by Councillor Perry, it was

RESOLVED that the amended Corporate Surveillance Policy be adopted by the Council subject to the last sentence of paragraph 10.1 on page 17 of the Policy being amended to read "Authorisations have to be reviewed or cancelled if no longer required within the original time frame."

- (F) Recommendation arising from the Extraordinary Cabinet meeting held on 10 December 2014 (minute 119 refers). Proposed by Councillor Keast and seconded by Councillor Mrs E Shimbart, it was:

RESOLVED that

- (1) Paragraph 5.5 in the report be amended to include the following additional wording:

“A risk that the Council may have to take on the ownership and liabilities associated with the management of a community building exists if no groups come forward to take over the running of the building. This would create further unbudgeted costs at a time when the Council currently faces considerable financial constraints.”

- (2) approval is given for Havant Borough Council to allow the provision of an infrastructure payment in respect of the CIL due, as set out in Appendix 1 of this report;
- (3) at this stage, infrastructure payments are limited to the provision of a community building in the Denvilles area; and subject to the Council successfully negotiating Heads of Terms with a user which transfers a full repairing lease to that end user.

#### **45 Portfolio Holders and Chairmen's Question Time**

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

#### **46 Questions**

There were no questions under Standing Order 23.4(a).

#### **47 Urgent Questions**

There were no urgent questions under standing order 23.4(b)

#### **48 Acceptance of Minutes**

Proposed by Councillor Mrs E Shimbart and seconded by Councillor Keast, it was

RESOLVED that the minutes of Committees held since the last meeting of the Council be accepted.

**The meeting commenced at 5.00 pm and concluded at 6.47 pm**

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# Minute Volume

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**HAVANT BOROUGH COUNCIL AND WINCHESTER CITY COUNCIL**  
**JOINT WEST OF WATERLOOVILLE MAJOR DEVELOPMENT AREA PLANNING**  
**COMMITTEE**

**28 November 2014**

Attendance

Councillor Mrs Shimbart (Chairman)(Havant Borough Council)

Councillor Paul Buckley

Councillor Cyril Hilton

Councillor Rory Heard

Councillor Therese Evans BA, MCIL, Winchester City Council

Councillor Frank Pearson, Winchester City Council

Councillor Michael Read, Winchester City Council

Councillor David McLean, Winchester City Council (Conservative Standing Deputy)

**6 Apologies and Deputy Members**

Apologies for absence were received from Councillors Ruffell, and Newman-Mackie.

**7 Minutes**

The Minutes of the meeting of the Joint West of Waterlooville Major Development Area Planning Committee held on 17 June 2014 were agreed as a correct record and signed by the Chairman.

**8 Appointment of Vice Chairman for the Meeting**

It was Agreed that Councillor Read be appointed Vice Chairman for this meeting of the Committee.

**9 Disclosures of Interests**

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

**10 14/01935/REM / W19499/32 (WCC) - Land At Old Park Farm Wimpey Site Part Of West Of Waterlooville MDA Hambledon Road Denmead Hampshire**

Proposal: Approval of reserved matters for access, appearance, landscaping, layout and scale (Details in Compliance for Outline Planning Permission 10/03252/OUT) and information to discharge condition 5 (drainage), condition 6 (noise from road), condition 7 (extraction method) and condition 9 (contaminated land). AMENDED PLANS

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment and Head of Development Management together with an update issued prior to the meeting.

Arising from Members' questions, it was clarified that:

- (1) although the policies relating to the MDA as a whole prohibited the building of residential units under electricity cables, there were no restrictions to the construction of car parking areas under such cables;
- (2) the design and materials met the requirements for a landmark building;
- (3) it was intended that materials, including the timber cladding, to be used on this landmark building would not replicate the problems experienced in the design of the Hambledon Road buildings;
- (4) it was anticipated that permeable materials would be used for the car parking surfaces;
- (5) the applicants had advised that, due to the nature of the proposed nursing home, a dedicated ambulance parking space was not necessary;
- (6) the submitted tree planting scheme was of a high quality and considered acceptable;
- (7) root deflectors would be incorporated into the tree planting scheme to minimise the risk of root damage to buildings and road surfaces;
- (8) the use of climbing plants could help regulate the building's temperature;
- (9) on the basis of the information provided, the parking provision was considered to be acceptable;
- (10) the Committee could require the submission of a travel plan to manage the access to a development and reduce the impact of vehicle transport on the local environment and promote sustainable modes of travel to and from the site;
- (11) cycle storage would be provided on the site; and
- (12) the adoption of the roads was the responsibility of Hampshire Council County, the highway authority: roads would not be made up to adoption standard whilst they were being used by construction traffic

The Committee was addressed by Mr Crichton who raised concerns that:

- (a) the proposed timing for the closure of Sickle Way would increase the traffic on Darnell Road and its junction with Hambledon Road which would be likely to cause undue interference with the free flow of traffic to the detriment of other road users; and

- (b) the car parking on this and the proposed extra care home was inadequate.

In response to the concerns raised by Mr Crichton relating to the proposed closure of Sickie Way, the officers suggested that the Committee could ask Hampshire County Council to consider delaying the closure of Sickie Way.

The Committee was also addressed by Councillor Stallard, who objected to the proposal for the following reasons:

- (i) there were no areas to recharge or store disability buggies;
- (ii) the parking arrangements and design of the building did not provide for day trips normally associated with this type of use;
- (iii) the likely demand for ambulances required a dedicated access/parking area;
- (iv) the route and design of the proposed ambulance pick up/drop off point was inadequate and undignified;
- (v) the provision of sleep over rooms for relatives was inadequate;
- (vi) the use of timber cladding was inappropriate

(Councillor Stallard failed to complete her deputation within the allocated time period)

In response to questions raised by Members of the Committee, Councillor Stallard advised that:

- she would have raised the issue of traffic problems, car parking and landscaping during her deputation; and
- there were no public bus services serving this development on Sundays.

Parish Councillor Lander – Brinkley addressed the Committee and objected to the proposal for the following reasons:

- (A) the location of the plant room and refuse area and the noise likely to be generated by these facilities would have a detrimental impact on the living conditions and amenities of the occupiers of the existing residential properties;
- (B) that parking provision was insufficient;
- (C) a dedicated parking bay should be provided for ambulances or mini buses;

Mr Allen, the applicant's agent, supported the application for the following reasons:

- (aa) the application had been the subject of consultation;
- (bb) the design and parking arrangements proposal was based on the applicant's experience of running similar homes across the country;
- (cc) the proposed nursing home would be equipped with a sprinkler system;
- (dd) the proposed parking arrangements supported by the submitted transport statement was adequate for the proposed use;
- (ee) a detailed discussion would take place between the NHS and the applicant to address the concerns raised about ambulance access; the result of these discussions would be included in the Management Plan;
- (ff) the travel plan would be take into account the particular issues relating to this site. The plan would evolve with the operation of the nursing homes and a specific coordinator would be appointed to amend and monitor the submitted plan;
- (gg) the proposal was for an acute care home, which catered for mainly residents, who were near the end of their life or suffering from dementia. Therefore there was little demand for outside space;
- (hh) the issue of public bus services within the area would be addressed by the travel plan coordinator;
- (ii) it was anticipated that a suitable form of timber could be sourced for the proposed timber cladding;
- (jj) although it was proposed that the parking areas would a mixture of tarmac and paving, the details were the subject of a condition;
- (kk) it was anticipated that condition 6 could be complied with;
- (ll) experience of operating similar nursery homes indicated that there would not be a huge demand for overnight stays by relatives;
- (mm) the proposal would meet the sustainable requirements

The Committee discussed the application in detail together with the views raised by the deputees. Although concern was expressed about the parking provision and access for ambulances, the majority of the Committee supported the application subject to:

- (aaa) an additional conditional requiring the implementation of the travel plan
- (bbb) the Committee writing to the County Council requesting they delay the closure of Sickie Way; and

- (ccc) condition 4 being amended to require consideration to be given to the use of permeable surfaces for the parking areas

It was Agreed that:

- (i) Conditions 5, 6 and 7 of Outline Application 10/0352/OUT be discharged
- (ii) application 14/01935/REM/W19499/32 be granted permission subject to
- (A) the following conditions and informatives

- 01 The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

- 02 No works on the development hereby permitted shall commence until a BREEAM 2008 pre-assessment for that element of the scheme has been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. This submission shall demonstrate how the development will achieve a minimum rating of 'excellent' under the BREEAM 2008 method of assessment. Thereafter, the development shall not be carried out other than in accordance with the approved assessment, or any subsequent revision approved in writing by the Local Planning Authority, which shall achieve a minimum rating of BREEAM 'excellent' or other such rating as may be agreed by the Local Planning Authority. No building shall be occupied until such time as it has achieved a minimum rating of BREEAM 2008 'excellent'.

Reason: To ensure that the development is sustainable and accords with policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

- 03 The proposed development shall be undertaken in accordance with the following approved plans and documents;

Revised covering letter dated 6 November 2014  
Revised plan schedule  
Revised site plan 27961 - PD - 101 revision L  
Revised block plan 27961 - PD - 102 revision D  
Revised ground floor plan 27961 - PD - 103 revision L

Revised first floor plan 27961 - PD - 104 revision L  
 Revised second floor plan 27961 - PD - 105 revision L  
 Revised roof plan 27961 - PD - 106 revision E  
 Revised elevations 27961 - PD - 200 revision G  
 Revised elevations 27961 - PD - 201 revision H  
 Revised sections 27961 - PD - 300 revision C  
 Revised Landscape GA S167(20)002 revision B  
 Revised detailed planting plan S167 (96)002 revision B  
 Revised design and access statement.

Reason: To ensure that the development presents a satisfactory appearance, for the avoidance of doubt and in the interests of the amenities of the area.

- 04 No development shall take place until details and samples of the windows and all the external materials to be used in the construction of the building and hard surfaced areas of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The external materials shall comprise those listed on the approved drawings and the main elevation materials shall comprise a soft stock brick and natural timber cladding.

Development shall be carried out in accordance with the approved details.

Note: The developer is advised that consideration should be given to the use of permeable surfacing for the car parking and manoeuvring areas.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

- 05 Before development commences, 1:20 scale fully annotated plans, elevations and sections of the following details shall be submitted to and approved in writing by the local planning authority:

- Window frames including reveals (which should be a minimum of 100mm) and window surrounds and junctions with façade's and head and sill details,
- Window central panels and side panels
- Doors and shutters together with framing and their reveals and junctions with the elevations

Prior to installation 1:20 scale fully annotated plans, elevation and section of the following details shall be submitted to and approved in writing by the local planning authority:



- Metal framing and plant screens fixed to the elevations
- Any security railings/boundaries around flat roofs that are visible from the public realm
- Parapet cappings
- Canopy and main entrance
- Any rainwater goods visible from the public realm
- Materials and detailing of ceilings of any overhangs and under-crofts
- Solar panels and all other plant and machinery fixed to the external envelope of the buildings together with their fixing to all external materials where they are visible from the public realm
- Garden gates, and all fences, walls and railings where they are visible from the public realm

In addition to the above plans and details of the following shall be submitted to and approved in writing by the local planning authority prior to their installation;

- Details of the colour, position and appearance of any meter boxes/cabinets and other utilities where they will be visible from the public realm
- Details of the bike storage structure and any other structures that need to be erected within the grounds of the development.
- Details of external lighting

The approved details shall be implemented in full before that building is occupied.

**Reason:** to ensure that the external appearance of the development is of a high quality on this prominent site.

- 06 Prior to the installation of any heating, refrigeration and ventilation plant/machinery, a noise report shall be submitted to and approved by the Local Planning Authority demonstrating that such plant/machinery shall be designed to a level of 10dB below the lowest measured background noise (LA90, 15min) as measured 1m from the nearest affected window of the nearest residential property.

Once the plant is in operation, a noise validation report shall be submitted to the Local Planning Authority to demonstrate compliance with this condition.

**Reason:** To protect the amenity of the occupants of the nearest residential dwellings.

- 07 The development hereby approved shall be carried out in accordance with the travel plan statement reference Odyssey markides LLP Project No. 14-208 August 2014

Informatives:

- (1) In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service and,
  - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

- (2) This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

- (3) The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Part 1 - Joint Core Strategy; SH1, SH2, CP1, CP10, CP11, CP13, CP15, CP20

Winchester District Local Plan Review 2006: DP3, DP4, DP5, T2, T3

- (4) )The applicant is advised that conditions 8 and 9 of outline planning permission reference 10/03252/OUT remain to be discharged.

(B) A letter being sent to Hampshire County Council requesting that consideration be given to delaying the proposed closure of Sickle Way.

(C) Conditions 5, 6 and 7 be discharged.

- 11 APP/14/00854 (HBC)/14/02215/FUL (WCC) - Care Home, Site E1, Land West of Waterlooville, Hambledon Road, Waterlooville**

Proposal:           Erection of extra care accommodation with 48 units and associated communal facilities, access, car parking and landscaping

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment and Head of Development Management together with an update issued prior to the meeting.

Arising from Members' questions, it was clarified that:

- (1)       It was intended to use natural timber cladding: the design incorporated the same elements and materials as the Nursing Home;
- (2)       the proposed design was more distinctive than the proposed Nursing Home and met the design requirements for a landmark building;
- (3)       there were opportunities to use wall climbing plants;
- (4)       the proposed height of the building complied with the Design Guide requirements;
- (5)       consideration would be given to using different colours for the external walls to the recess areas to provide a more distinctive landmark building;
- (6)       the distances and configuration of the proposed building would prevent overlooking into existing residential dwellings;
- (7)       the parking provision exceeded the adopted standards;
- (8)       there was adequate parking space on and off site to enable an ambulance to visit the proposed home when required;
- (9)       the parking provision was based on the applicant's experience with operating similar homes and this was reflected in the submitted transport assessment;
- (10)      it would be difficult for the Council to make a robust case that the development would result in a severe residual cumulative impact on the highway;
- (11)      waste collection vehicles would be able to collect waste without undue interference to the free flow of traffic;
- (12)      if the development led to overspill parking onto the highway, the applicant had agreed to finance the implementation of a traffic regulation order;
- (13)      that the landscaping scheme was considered acceptable and would incorporate trees which would not damage the extra care home;

- (14) an increase in parking spaces would result in the loss of open spaces: off site parking places would be provided at the nursing home for the extra care home staff; and
- (15) the extra care home would meet the required sustainable homes level.

The Committee was addressed by Mrs Everest, who objected to the proposal for the following reasons:

- (a) the number of bedroom units had increased to 48 from the originally proposed 38 units;
- (b) the increase in height of the proposed building would result in a loss of light to existing properties;
- (c) the development would exacerbate the existing flooding problem experienced by the Buttercup Way garages;
- (d) the traffic likely to be generated by the development and the proposed closure of Sickle Way would cause undue interference with the safety and convenience of users of Foxtail Road; and
- (e) there was insufficient parking spaces which would be likely to encourage the parking of vehicles on adjoining highways;

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

- (aa) although partially successful, the drain installed by Taylor Wimpey had not fully resolved the flooding experienced by all the garages in Buttercup Way;
- (bb) there was concern that the proposed development would increase the amount of surface water draining into Foxtail Way and Buttercup Way

The Committee was addressed by Parish Councillor Lander-Brinkley, who objected to the proposal for the following reasons;

- (aaa) the proposed height of the building would have a detrimental impact on the Denmead Gap;
- (bbb) the parking provision was inadequate to cater for the increase in bed units;
- (ccc) a traffic regulation order introduced to overcome the problem of overspill parking would move the problem elsewhere within the development;
- (ddd) there was no evidence that that the Fire and Rescue Service had agreed to the proposal;

- (eee) the development could exacerbate the existing flooding problem in the area; and
- (fff) the provision of 1 lift was inadequate for this type of home.

In response to questions raised by Members of the Committee, Councillor Lander-Brinkley advised that:

- discussions prior to and during the outline stage gave the impression that the proposal would be for an extra care unit;
- couples should be able to stay together: the nursing home only provided single rooms

In response to a question raised by a member of the Committee, the officers advised that the type of bedrooms was a material consideration: however, in this case the size of the bedrooms was not considered to carry significant weight.

In response to an offer from Councillor Stallard to give clarification on the types of care home, the members of the Committee thanked Councillor Stallard but advised that a satisfactory explanation had already been submitted.

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

- (aaaa) the proposed height of the building would give rise to overlooking into properties in Foxtail Way;
- (bbbb) the traffic likely to be generated by the proposal would be detrimental to the amenities of existing properties and the occupiers of the proposed units with balconies in terms of pollution;
- (cccc) there was inadequate car parking provision;
- (dddd) there was no clearly indicated route or path to or a dedicated parking area for ambulances;
- (eeee) there was an inadequate number of lifts;
- (ffff) the trees proposed were not indigenous species;
- (gggg) there was only one access to the roof;
- (hhhh) there were no assisted bathrooms;
- (iiii) the roads had not yet been adopted; and
- (jjjj) there was a lack of proper consultation.

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

- (A) experience had demonstrated that the proposed parking provision was adequate;
- (B) the proposal included a cycle storage area;
- (C) ambulances would be able to access the facility;
- (D) the officers considered that the proposed design met the requirements for a landmark building;
- (E) the application had been the subject of extensive consultation and amendments made to overcome concerns raised; and
- (F) the proposed drainage system should benefit existing residential properties.

In response to questions raised by member so the Committee, Mr Allen advised that:

- (AA) the parking provision exceeded the adopted standard;
- (BB) a loss of landscaping to accommodate more parking spaces would be a detrimental step;
- (CC) the proposal would at least meet the sustainable standard requirements;
- (DD) the drainage system should alleviate the current problems of flooding experienced outside the site;
- (EE) the parking provision for staff, including the parking spaces at the Nursing Home, was sufficient;
- (FF) it was not proposed to mark out parking spaces allocated to staff;
- (GG) although only 1 lift was proposed, stair lifts would be provided; and
- (HH) the residents attracted to this form of care home were unlikely to be car owners.

The Committee discussed this application in detail together with the issues raised by deputies. The majority of the Committee supported the application subject to:

- (AAA) an additional condition requiring compliance with the implementation of the travel plan;
- (BBB) condition 2 being amended to require consideration to be given to permeable surfaces for the parking areas and the use of different colours on the external walls.

It was Agreed that applications APP/14/008445 and 14/02215/FUL be granted permission subject to:

- (A) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other relevant legislation, incorporating the terms set out in paragraph 8.2 of the report, such agreement to be to the satisfaction of the Head of legal Services (Winchester City Council) and the Service Manager – Legal and Democratic Services (Havant Borough Council);
- (B) the following conditions (as amended by (C) and (D) below) and any other conditions as considered appropriate:
- 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 Before development commences, samples of all the external materials to be used on that building shall be submitted to and approved in writing by the local planning authority. The external materials shall comprise those listed on the approved drawings and the main elevation materials shall comprise a soft stock brick and natural timber cladding, unless otherwise agreed in writing by the local planning authority.  
  
**Reason:** To ensure that the external appearance of the development is of a high quality on this prominent corner site.
  - 3 Before development commences, 1:20 scale fully annotated plans, elevations and sections of the following details shall be submitted to and approved in writing by the local planning authority:
    - Window frames including reveals (which should be a minimum of 100mm) and window surrounds and junction with facades and head and sill details
    - Window central panels and side panels.
    - Oriel windows including undersides, cheeks and roofs
    - Doors and shutters together with framing and their reveals and junctions with the elevations

Prior to installation 1:20 scale fully annotated plans, elevations and sections of the following details shall be submitted to and approved in writing by the local planning authority:

    - Parapet cappings

- Balconies, balcony screens, balcony supports, metal framing and balustrades and railings/boundary treatment around terraces and flat roofs.
- Canopy and main entrance
- Any rainwater goods visible from the public realm
- Materials and detailing of the ceilings to overhangs, under-crofts and balconies
- Solar panels and all other plant and machinery fixed to the external envelope of the buildings together with their fixing to all external materials where they are visible from the public realm
- Garden gates, and all fences, walls and railings where they are visible from the public realm

In addition to the above plans and details of the following shall be submitted to and approved in writing by the local planning authority prior to their installation;

- Details of the colour, position and appearance of any meter boxes/cabinets and other utilities where they will be visible from the public realm
- Details of the bike storage structure and any other structures that need to be erected within the grounds of the development.
- Details of external lighting

The approved details shall be implemented in full before the building is occupied.

**Reason:** To ensure that the external appearance of the development is of a high quality on this prominent site.

- 4 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same have been submitted to and approved in writing by the Local Planning Authority.

- (a) The areas to be used for contractors' vehicle parking and materials storage during construction of the development;

**Reason:** To secure orderly development

- 5 The building shall be used only for extra care accommodation and for no other purpose whatsoever including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.



**Reason:** In order to control the use in view of the special circumstances relating to its operation.

- 6 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the locality and/or occupiers of neighbouring property.

- 7 The development shall not be brought into use until the implementation of all works forming part of the approved noise protection scheme has been completed in full accordance with all detailed components of such scheme.

**Reason:** To safeguard the amenities of occupiers of the accommodation.

- 8 Notwithstanding the submission of the Phase II Ground Investigation Report by Soils Ltd, ref 14512/GIR, prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) An addendum to the report which presents the results of the ongoing gas monitoring;
- b) If necessary, a remedial strategy detailing the measures to be undertaken to avoid risk from ground gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

**Reason:** In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

- 9 If necessary, subject to the submissions made under condition 8, prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provision of condition 8 shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of conditions 8 has been implemented fully, unless varied with the written agreement of the Local Planning Authority in advance.

**Reason:** In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

- 10 Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

**Reason:** In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

- 11 The development hereby permitted shall not be occupied until a Certificate of Compliance with the Code for Sustainable Homes has been submitted to the Local Planning Authority. The Certificate shall demonstrate that the development has attained a minimum standard of Level 3 in accordance with the Code.

**Reason:** To ensure the development meets an appropriate level of sustainability measures.

- 12 The development hereby permitted shall not be occupied until all approved hard and soft landscape works have been completed in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice, unless otherwise in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced before the end of the next planting season with others of species, size and number as originally approved.

**Reason:** To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

- 13 The premises shall not be occupied before the proposed access and the crossing of the highway verge and/or footway is constructed and laid out in accordance with the approved details.

**Reason:** In the interests of highway safety.

- 14 The development shall not be brought into use until space for the loading, unloading and parking of vehicles has been provided within the site, surfaced and marked out in

accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

**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 2012.

- 15 A condition to require the development is carried out in accordance with the approved plans

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

- (C) An additional condition requiring the development to be carried out in accordance with the submitted travel plan;
- (D) Condition 02 (above) being amended to include a note advising that consideration should be given to providing permeable surfaces in the car parking areas and the use of different colours on the external walls

**The meeting commenced at 10.30 am and concluded at 3.05 pm**

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## HAVANT BOROUGH COUNCIL

At a meeting of the Cabinet held on 10 December 2014

Present Councillor Cheshire (Chairman)

Councillors Briggs, Branson, Cheshire, Fairhurst, Guest and Weeks

### **115 Apologies for Absence**

There were no apologies for absence.

### **116 Declarations of Interests**

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

### **117 Chairman's Report**

There were no matters the Chairman wished to report.

### **118 Reletting the Corporate Services Contract**

Councillor Fairhurst presented a report seeking authorisation for the market testing of the services in the current Revenues & Benefits and Customer Services contract in conjunction with four other Councils and agreement to extend the range of services to include Human Resources, General and Taxi Licensing, Land Charges, Property Advice and Facilities Management.

Proposed by Councillor Fairhurst and seconded by Councillor Branson, it was

RESOLVED that:

- (1) officers be authorised to enter into a partnership with South Oxfordshire District Council, Vale of White Horse District Council, Mendip District Council and Hart District Council to work in partnership to market test the services currently provided by the Revenues & Benefits and Customer Services contract;
- (2) officers be authorised to jointly market test a replacement for the Revenues & Benefits and Customer Services contract;
- (3) in addition to the current services in the contract, Human Resources, General and Taxi Licensing, Land Charges, Property Advice and Facilities Management be included in the services in the joint market testing;
- (4) authority be delegated to the Executive Head of Governance & Logistics, in consultation with the Cabinet Lead responsible for internal contracts, to negotiate and approve the memorandum of understanding with other council partners and to approve the joint procurement strategy; and

- (5) authority be delegated to the Executive Head of Governance & Logistics, in consultation with the Cabinet Lead responsible for internal contracts, to approve the procurement strategy.

**119 Havant Borough Community Infrastructure Levy: Amendment to the Havant Borough CIL Policy**

Councillor Guest presented a report recommending that, in accordance with the CIL Regulations 2010 (as amended), Havant Borough Council allows CIL payments to be made through the provision of a specific type of infrastructure, as an alternative to CIL financial payments.

Proposed by Councillor Guest and seconded by Councillor Branson, it was

RESOLVED that

- (1) Paragraph 5.5 in the report be amended to include the following additional wording:
- “A risk that the Council may have to take on the ownership and liabilities associated with the management of a community building exists if no groups come forward to take over the running of the building. This would create further unbudgeted costs at a time when the Council currently faces considerable financial constraints.”
- (2) approval is given for Havant Borough Council to allow the provision of an infrastructure payment in respect of the CIL due, as set out in Appendix 1 of this report;
- (3) at this stage, infrastructure payments are limited to the provision of a community building in the Denvilles area; and subject to the Council successfully negotiating Heads of Terms with a user which transfers a full repairing lease to that end user.

**The meeting commenced at 4.00 pm and concluded at 4.35 pm**

**EAST HAMPSHIRE DISTRICT COUNCIL AND HAVANT BOROUGH COUNCIL**

At an extraordinary meeting of the Joint Human Resources Committee held on  
17 December 2014

Present

Councillor: P Buckley (Chairman)

Councillors: G Blackett, R Bolton, K Carter (Vice-Chairman), T Hart, C Hilton,  
J Onslow and I Thomas

**14. Apologies for Absence**

Apologies were received from Councillors M Johnson MBE, R Saunders,  
G Shimbart and C Wherrell.

**15. Chairman's Announcements**

There were no chairman's announcements.

**16. Declarations of Interest**

There were no declarations of interest.

**17. Two Year Pay Award**

After an introduction by Gill Kneller, Executive Director, the committee discussed the importance of the councils' salaries being competitive in order to attract and retain employees. The loss of employees, particularly in Planning and Built Environment was highlighted as a particular concern. In reply, the Executive Director confirmed that senior management were aware of this issue and were actively looking at ways to address it. Options were available, such as exploring the possibility of introducing market supplements.

Following the discussion, the committee RATIFIED the following two year pay award for Chief Officers:

- (i) a 1.5% increase to pay for 2014-15 (backdated to 1<sup>st</sup> April 2014); and
- (ii) a 1.5% increase to pay for 2015-16.

In addition, the committee RESOLVED that an update on the options available to attract and retain staff, particularly in Planning and Built Environment, be considered at its next meeting.

**The meeting commenced at 5.00 pm and concluded at 5.30 pm**

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**HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 18 December 2014

Present

Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Hilton and Guest (Standing Deputy)

**71 Apologies for Absence**

Apologies for absence were received from Councillors Heard and Turner.

**72 Minutes**

The Minutes of the meeting of the Development Management Committee held on 27 November 2014 were agreed as a correct record and signed by the Chairman.

**73 Matters Arising****Minute 69 – APP/14/00767 – Land at Nursery Fields, Denvilles, Havant**

RESOLVED that Standing Order 24 be suspended to enable the Committee to reconsider this application within six months of the previous decision being taken.

The Committee was advised that since the last meeting, the agent had clarified the position with regard to the Rochester House type and confirmed that they were to be 4 bed houses. As a result the final mix of development on the site would change to:

6 x 2 bed house, 11 x 3 bed houses, 18 x 4 bed houses

RESOLVED that the decision recorded in minute 69 be reaffirmed subject to the following amendments:

(a) The description of the development being amended to read:

*“Erection of 35 No. dwellings, comprising 6 No. 2 bed and 11 No. 3 bed and 18 No. 4 bed houses, community building and allotments with associated access, parking, landscaping, open spaces and works”*

(b) Paragraph 4) of the resolution being deleted.

**74 Minutes of The Site Viewing Working Party**

The Minutes of the meeting of the Site Viewing Working Party held on 11 December 2014 were agreed as a correct record and signed by the Chairman.

#### **75 Declarations of Interest**

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

#### **76 Chairman's Report**

The Chairman, on behalf of the Committee, thanked Jackie Batchelor, Executive Head of Environment and Community, who was retiring, for her service in the past to this Committee and development services and wished her a happy retirement.

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

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

#### **78 Deputations**

The Committee received the following deputations/representations:

- (1) Mr Wilson (objector on behalf of Rowlands Castle Parish Council) – APP/14/00863 – Land North of Bartons Road, Havant (Minute 79)
- (2) County Councillor Harvey (county councillor) – APP/14/00863 – Land North of Bartons Road, Havant (Minute 79)
- (3) Mr Heppell (applicant's agent) – APP/14/00863 – Land North of Bartons Road, Havant (Minute 79 )
- (4) Mrs Beale (objectors) – Application APP/14/01182 – 10A Esmond Close, Emsworth (Minute 80)
- (5) Mr Mandiwall (applicant's representative) – APP/14/01182 – 10A Esmond Close, Emsworth (Minute 80)
- (6) Councillor Gibb-Gray (ward councillor) – APP/14/01182 – 10A Esmond Close, Emsworth (Minute 80)
- (7) Councillor Mackey (ward councillor) – APP/14/01182 – 10A Esmond Close, Emsworth (Minute 80)
- (8) Mrs Curry (objector) – APP/14/00547 – Land West of Horndean Road and South of Southleigh Road, Emsworth (Minute 81)
- (9) Mr Ashe (objector) – APP/14/00547 – Land West of Horndean Road and South of Southleigh Road, Emsworth (Minute 81)

- (10) Mr Charles (applicant's engineering consultant) – APP/14/00863 – Land West of Horndean Road and South of Southleigh Road, Emsworth (Minute 81)
- (11) Mr Blackwell (applicant's agent) - APP/14/00863 - Land West of Horndean Road and South of Southleigh Road, Emsworth (Minute 81)
- (12) Councillor Gibb-Gray (ward councillor) - APP/14/00863 – Land West of Horndean Road and South of Southleigh Road, Emsworth (Minute 81)

## **79 APP/14/00863 - Land North of Bartons Road, Havant**

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

Proposal: Demolition of existing buildings and erection of 55 dwellings; comprising 6No. 2 bed flats; 2 bed houses; 33No. 3 bed houses; 6No. 4 bed houses and 1No. 5 bed house; together with access, landscaping, car parking and open space. Felling of trees covered by TPO 1328. Joint application with Havant Borough Council and East Hampshire District Council, Havant Borough Council is the Lead Authority

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 of:

- (a) additional comments received from statutory and non statutory consultees; and
- (b) additional representations received in response to the identical application submitted to East Hampshire District Council (54840/001).

During the meeting, the Committee was advised that:

- (a) since the supplementary information had been published, the County Ecologist had reconsidered the application and withdrawn his objections subject to additional conditions;
- (b) Condition 13 should be amended to include measures to address surface water run off from Bartons Road;
- (c) Highways had advised that it was not necessary to include the proposed off site highway works in the proposed Section 106 Agreement as these works could be covered by a condition; and
- (d) Highways had recommended that Conditions 20 and 23 be combined into one condition; and

- (e) The recommendation should include the following:

*“In the event of the S106 not being completed by 25 February 2015 (subject to such change as the Executive Head of Planning and Built Environment and the Service manager – Legal and Democratic Services may determine) that the application be refused by the Executive Head of Planning and Built Environment on the grounds that the application has failed to comply with the requirements of the Development Plan”*

The Committee was addressed by the following deputies:

- (1) Parish Councillor Wilson, on behalf of Rowlands Castle Parish Council, objected to the proposal for the following reasons:
- (a) the proposed development would result in the erosion of the undeveloped gap between Havant and Rowlands Castle contrary to the local plan policies of East Hampshire District Council and Havant Borough Council;
  - (b) the proposed development would create a undesirable precedent which would make it difficult to refuse similar applications for development in the gap between Havant and Rowlands Castle;
  - (c) there was no proven need for a countryside location for this development;
  - (d) the development did not comply with East Hampshire District Council’s Interim Housing Policy or the Affordable Housing Policy: no evidence had been submitted to demonstrate the need for this proposal and no affordable housing would be provided within the East Hampshire District boundary; and
  - (e) the access statement was based on 2004 figures which were out of date;
- (3) County Councillor Harvey, supported the objections made by Parish Councillor Wilson and raised the following additional objection:
- (f) the development would result in the loss of three protected trees, which made an important contribution to the amenities of the area
- (3) Mr Heppell, the applicant’s agent, who supported the application for the following reasons:
- (g) the development had been the subject of extensive consultation;

- (h) the site was predominantly a brownfield site;
- (i) no objections had been received from neighbouring properties or from Highways;
- (j) the development would provide much needed housing;
- (k) the proposed surface water system would to resolve the existing surface water problems associated with this site;
- (l) the site was included in Havant Borough Council's adopted Housing Allocations Plan;
- (m) a boundary buffer would be provided along the northern boundary;
- (n) the trees to be felled were classified as veteran trees which implied that they had a limited life span and could physically decline: it was proposed that the replacement trees would be planted in locations which would enable the trees to make a more significant contribution to the amenities of the area;
- (o) the County Ecologist had withdrawn his objections to the scheme; and
- (p) contributions would be made towards transport, open space, affordable housing, education and the Solent Recreation Mitigation Partnership.

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

- (1) although the Council's Arboriculturalist maintained his objection to the felling of the protected oak trees, he acknowledged that the replanting scheme was sound;
- (2) all the affordable housing , including East Hampshire District's Council's allocation, would be provided with the boundaries of Havant Borough Council. The affordable housing requirement for East Hampshire would comprise 3 houses plus a financial contribution;
- (3) that part of the site which was within the boundaries of Havant had been allocated for housing in the local plan policies for Havant Borough Council. East Hampshire District Council had included that part of the site which lay within its boundaries in its draft allocations plan which was to be published for public consultation on 19 December 2014;
- (4) the County Ecologist had, after further consideration, withdrawn his objections subject to conditions;

- (5) the development would not commence if either one of the councils refused the application;
- (6) the development would not be viable without the loss of the 4 mature trees;
- (7) the development would meet the Council's affordable housing requirements;
- (8) the tree trunks of two of the mature trees lay within the boundaries of Havant Borough Council; and
- (9) both parts of the site need to be developed to make the scheme viable.

The Committee discussed this application in detail together with the views raised by the deputees. Although concern was raised about the loss of the mature oak trees, the majority of the Committee considered that the nature of the development was acceptable and would not have a detrimental impact on the character and appearance of the area.

#### RESOLVED

- (A) that Application APP/14/00863 be granted permission in so far as it relates to development within the Havant Borough Administrative boundary subject to:
  - (a) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990; such agreement to be to the satisfaction of the Service Manager – Legal and Democratic Services and to incorporate the following matters:
    - the provision of a Residential Travel Plan
    - the managements of arrangements for new roads, including street cleaning and street lighting
    - a contribution in respect of the Solent Mitigation Partnership at a cost of £172 per dwelling;
    - a contribution of £5,057 per dwelling towards education
    - management and maintenance of communal areas/features – on site open space, non adopted roadways, acoustic fencing and drainage;
    - affordable housing
    - phasing
    - an employment skills plan

subject to such additions and/or amendments as the Executive Head of Planning and Built Environment considered appropriate.

- (b) The following conditions, subject to such additions and/or amendments as the Executive Head of Planning and Built Environment considers appropriate:

- 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 and Existing Plan             | 01A  |
| Proposed Site Plan                     | 02 E |
| RPA Plan                               | 05A  |
| Existing Buildings Plan                | 06A  |
| Existing Section AA to DD              | 11A  |
| Existing Section EE and FF             | 12A  |
| Apartment Ground and First Floor Plans | 20B  |
| Apartment Rood Plan                    | 21A  |
| Apartment Block Elevations 1 of 2      | 22B  |
| Apartment Block Elevations 2 of 2      | 23B  |
| HT1 – 2B – Affordable – Plans          | 25B  |
| HT1 – 2B – Affordable – Elevations     | 26B  |
| HT2 – 2B – Affordable – Plans          | 27B  |
| HT2 – 2B – Affordable – Elevations     | 28B  |
| HT3 – 2B – Open Market – Plans         | 29BC |
| HT3 – 2B – Open Market – Elevations    | 30BC |
| HT4 – 3B – Open Market – Plans         | 31B  |
| HT4 – 3B – Open Market – Elevations    | 32B  |
| HT5 – 3B – Affordable – Plans          | 33B  |
| HT5 – 3B – Affordable – Elevations     | 34B  |
| HT6 – 3B – Open Market – Plans         | 35B  |
| HT6 – 3B – Open Market – Elevations    | 36B  |
| HT7 – 3B – Open Market – Plans         | 37BC |
| HT7 – 3B – Open Market – Elevations    | 38BC |
| HT8 – 3B – Open Market – Plans         | 39BC |
| HT8 – 3B – Open Market – Elevations    | 40BC |
| HT9A – 4B – Open Market – Plans        | 41B  |
| HT9A – 4B – Open Market – Elevations   | 42BC |
| HT9B – 4B – Open Market – Plans        | 43B  |

|  |     |
|--|-----|
| HT9B – 4B – Open Market – Elevations         | 44B |
| HT9C – 4B – Open Market – Plans              | 45B |
| HT9C – 4B – Open Market – Elevations         | 46B |
| HT10 – 4B – Open Market – Plans              | 47B |
| HT10 – 4B – Open Market – Elevations         | 48B |
| HT11 – 4B – Open Market – Plans              | 49B |
| HT11 – 4B – Open Market – Elevations         | 50B |
| HT11A – 5B – Open Market – Plans             | 51B |
| HT11A – 5B – Open Market – Elevations        | 52B |
| HT12 – 4B – Open Market – Plans              | 53B |
| HT12 – 4B – Open Market – Elevations         | 54B |
| HT7 – 3B – Open Market – Elevations Flint    | 55  |
| Proposed Street Elevations/Site Sections S1  | 56B |
| Proposed Street Elevations/Site Sections S2  | 57A |
| Acoustic fence positions                     | 58A |
| Ancillary Buildings 1 – Garage and Bin Store | 61B |
| Ancillary Buildings 2 – Car Barn and Shed    | 62E |
| View West                                    | 70A |
| View East                                    | 71A |
| View Spine Road                              | 72  |
| Street Elevation AA – coloured               | 80A |
| Site Plan – coloured                         | 81D |
| Building Heights and Tenure Plan – coloured  | 82A |
| Boundary Treatment Plan                      | 83  |
| Schedule of accommodation                    | 90E |

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

- 3 No development hereby permitted shall commence until plans and particulars specifying the alignment, width, gradient and type of construction proposed for all footways, roads and individual accesses thereto (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for street lighting and for surface water disposal and a programme for the implementation and making up of the same have been submitted to and approved in writing by the Local Planning Authority. The implementation and making up of the same shall be completed in full accordance with such plans, particulars and programme as are thus approved by the Authority.

**Reason:** To ensure that they are constructed to satisfactory standard and, where appropriate a standard which will enable them to be taken over as publicly maintained highways and having due regard to policies CS16 and CS20 of the Havant Borough Local



Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 Construction of the development hereby permitted shall not commence on each phase until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels for that phase have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that site levels are adequately addressed in the interests of the character and amenity of the area and of neighbours having due regard to policies CS16 of the Havant Borough Local Plan Core Strategy 2011 which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

- 5 No development shall commence until a revised Arboricultural Impact Assessment and Method Statement setting out works in respect to tree pruning on the eastern boundary has been submitted to and agreed in writing by the Local Planning Authority. The proposed works shall be carried in accordance with the approved details.

**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) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 6 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. Thereafter all works shall be carried out in accordance with the approved Statement throughout the construction period.

The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors

- ii) loading and unloading of plant and materials
- iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- iv) site compound and storage of plant and materials used in constructing the development

**Reason:** To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features and having due regard to policies DM8, DM10, and CS20 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 7 Construction of the building(s) hereby permitted shall not commence until a specification of the types and colours of all external roofing and external facing materials, including the provision of sample panels of the external facing materials and colour of mortar to be used for the construction of the same, has been submitted to and approved in writing by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

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

- 9 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such 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 tree or 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 CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 10 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been first submitted to and approved in writing by the Local Planning Authority. No dwelling within that phase shall be occupied until completion of the installation of all its screening provision as is thus approved by the Local Planning Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

**Reason:** To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 11 Construction of the buildings hereby permitted shall not commence on each phase until a specification of the provision to be made for the storage and disposal of refuse for that phase has been submitted to and

approved in writing by the Local Planning Authority. All service roads should be capable of taking a 26 tonne Refuse Collection Vehicle, and allow vehicle to reverse close to bin store. No bins to be pulled or waste carried more than 25m and no alleys to exceed 20m in length. The dwellings within that phase shall not be occupied until the implementation of such provision for refuse has been completed in full accordance with such an approved specification.

**Reason:** To safeguard the amenity of the locality and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012

- 12 The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

**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 2012.

- 13 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, including measures to address runoff from Bartons Road (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 2012.

- 14 No development hereby permitted shall commence until the applicant has secured:-
- the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in consultation with Hampshire County Council. The approved programme shall be fully adhered to unless otherwise agreed in writing by the Local Planning Authority.
  - the implementation of a programme of archaeological mitigation of impacts in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in consultation with Hampshire County Council. The approved programme shall be fully adhered to unless otherwise agreed in writing by the Local Planning Authority.
  - Following completion of archaeological fieldwork the production of a report in accordance with an approved programme including where appropriate post -excavation assessment, specialist analysis and reports, publication and public engagement.

**Reason:** To safeguard the potential archaeological interest of the site and having due regard to policies CS11, DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 15 The garages hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation without the prior written approval of the Local Planning Authority.

**Reason:** To ensure the retention of adequate on-site car parking and to discourage parking on the adjoining highway in the interests of highway safety and local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 16 No dwelling shall be occupied until space for the loading, unloading and parking of vehicles and cycles and has been provided within the site, surfaced and marked out in accordance with the approved plans. Such areas shall thereafter be retained and used solely for those purposes.

**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, March 2012

- 17 Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development is carried out in accordance with policy CS14 of the Havant Borough Local

- 18 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A/D/E and F of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) England) Order 2008, as amended, shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of the character and amenities of the development having due regard to policy CS16 of the Havant Borough Local Plan Core Strategy 2011 which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

- 19 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no alteration to the roof of any dwelling hereby approved including the addition of windows permitted by Part 1, Classes B/C of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, shall be

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

**Reason:** In the interests of the character and amenities of the development having due regard to policy CS16 of the Havant Borough Local Plan Core Strategy which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

- 20 The development hereby permitted shall not commence until a phasing plan for off site highway works including the provision of a footway/cycleway on the north side of Bartons Road and improvements to the pedestrian crossing has been submitted to and approved in writing by the Local Planning Authority., In order to construct these works the developer shall enter into a Section 278 agreement with the Highways Authority and prior to the occupation of any dwellings, all of these works shall be completed, in full accordance with such plans, particulars and programme as have been approved in writing by the Planning Authority and the Highway Authority

**Reason:** To ensure that the required highway improvements are provided and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) Also to ensure the safety of cyclists and pedestrians and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 21 No burning of materials shall take place anywhere on the development site, throughout the period of site clearance and development.

**Reason:** To protect the health of trees to be retained in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 22 Before first occupation post validation testing shall be undertaken by a competent person to determine compliance with the acoustic report AS7603.140807.NVIA This must be submitted and agreed in writing with the local planning authority before first occupation.

**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 2012.

- 23 Prior to the commencement of any development a fully-detailed scheme of site-wide ecological mitigation, compensation and enhancement measures (to include but not necessarily be restricted to: site plan showing all ecological features; detailed measures to protect and retain existing habitats and species; lighting plan; location, extent, composition and ongoing management of mitigation/compensation/enhancement habitat) shall be submitted to, and agreed in writing by, the Local Planning Authority. Such details shall be in accordance with the outline mitigation, compensation and enhancement measures detailed within the Habitat Creation and Management Plan and Outline Mitigation Proposals report (The Ecology Co-op, March 2014). Any such measures shall thereafter be implemented in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority and all mitigation features shall be retained and maintained in perpetuity.

**Reason:** To provide ecological protection and enhancement in accordance with policy CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 201, the National Planning Policy Framework 2012, Conservation Regulations 2010, Wildlife & Countryside Act 1981, and NERC Act 2006.

- 24 Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with the possible contamination shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. desk study &/or site walkover survey identifying:
  - All previous uses,
  - potential contaminants associated with those uses,
  - a conceptual model of the site indicating sources, pathways and receptors, and;



- a summary of potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme based on (1), to provide sufficient information for an appropriate assessment of the risks to all receptors that may be affected, including those off site.
  3. The results of the site investigation and risk assessment (2) and if appropriate, an options appraisal and remediation strategy based on these results giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

**Reason:** Having due regard to policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review), and DM10 of the Havant Borough Adopted Core Strategy (2011); Contamination may be present at the site as a result of both previous & current landuses (&/or activities) at the site that could pose a risk to future site occupiers.

- 25 If, during development, contamination not previously identified on site is found to be present, no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be undertaken until a report has been submitted to and approved by the Local Planning Authority that details how that contamination is to be dealt with. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be adhered to.

**Reason:** Having due regard to policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review), and DM10 of the Havant Borough Adopted Core Strategy (2011); Contamination may be present at

the site as a result of both previous & current landuses (&/or activities) at the site that could pose a risk to future site occupiers

- 26 No occupation of any part of the permitted development shall take place until a verification report has been 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. It shall also include any plan identified as being necessary for longer-term monitoring of pollutant linkages (a “long-term monitoring and maintenance plan”), including provision for maintenance and contingency action. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** Having due regard to policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review), and DM10 of the Havant Borough Adopted Core Strategy (2011); Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at the site that could pose a risk to future site occupiers.

Informatives to include:

- 1) The applicant to set up on site facilities for:-
  - i) wheel washing
  - ii) measures to control the emission of dust and dirt during construction
  - iii) measures to control noise and vibration during construction
  - iv) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 2) Lorry/HGV routing should avoid North Street /railway bridge in Emsworth
- 3) Hours of work: demolition, clearance, excavation, road or construction works should take place only between 0800hrs and 1800hrs on Mondays to Saturdays and not at all on Sundays and all recognised public holidays

- (B) In the event of the Section 106 Agreement referred to in (A) above not being completed by 25 February 2015 (subject to such change as the Executive Head of Planning Built Environment and Service Manager – Legal and Democratic Services may determine) the application be refused by the Executive Head of Planning and Built Environment under delegated powers on the grounds that the application has failed to meet the requirements of the Development Plan.

**80 APP/14/01182 - 10A Esmond Close, Emsworth**

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

Proposal: Further variation of materials approved under APP/14/00727 (pursuant to Condition 3 of APP/13/01280) to allow use of 'Velfac' narrow profile windows in RAL colour 9006 'White Aluminium' and front door in 'White Aluminium' RAL 9006.

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) gave details of a petition received in support of the application; and
- (b) gave details of observations submitted by the applicant with regard to the street scene.

The Committee was addressed by the following deputies:

- (1) Mrs Beale, who, on behalf of neighbours opposing the visual appearance of scheme, objected to the proposal for the following reasons:
  - (a) the majority of neighbours and residents of Esmond Close did not sign the petition supporting the scheme;
  - (b) the Council had acted inconsistently: originally approving one colour and design for the windows on the grounds that this would safeguard the street scene then recommending approval of a different design and colour scheme which would cause irreparable harm to the street scene;
  - (c) the window on the first floor south elevation should be included within the proposal as it was clearly visible from the street; and
  - (d) the proposed design and external appearance of the windows would be an incongruous feature within the street scene to the detriment of the amenities of the area.

Mrs Beale emphasised that these objections did not relate to the extension but the visual appearance of the proposed windows

- (2) Mr Mandiwall, on behalf of the applicant, supported the proposal for the following reasons:
- (e) the proposal was not out of character with the street scene: there was no one style which dominated the external appearance of properties in Esmond Close;
  - (f) the colour of the window frames and doors could be changed under permitted development rights;
  - (g) neighbours had been consulted and a majority of those within the immediate vicinity and affected by the proposal supported the application; and
  - (h) the proposal frames were of a high quality and would not have a detrimental impact on the visual amenities of the area.

Mr Mandiwall urged the Committee to support the application to enable the applicant to order the materials within time for the works to be completed by April 2015.

- (3) Councillor Gibb-Gray, on behalf of the objectors, summarised the objectors concerns about the impact of the proposal on the street scene and the manner in which the officers had changed their views on the colour and design of the proposed windows;
- (4) Councillor Mackey, on behalf of the applicant, supported the application for the following reasons:
- (i) there was no uniform street scene;
  - (j) under permitted development rights the applicant could change the colour of the window frames at any time after the original permission had been granted;
  - (k) the proposal would not have a detrimental impact on the street scene;
  - (l) the applicant had acted properly; and
  - (m) the applicant needed to order the materials shortly to avoid delay in completing the extension.

In response to questions raised by members of the Committee, the officers advised that the Council had originally agreed to install white UPVC window frames and oak door. The applicants now wished to use different materials which were considered acceptable;

The Committee discussed this application in detail together with the views raised by the deputees. The Committee considered that the proposal would not cause significant harm to the visual appearance and character of the street scene. In making this decision the Committee took into account the changes that could be made to the windows and door under permitted development rights. It was therefore

RESOLVED that Application APP/14/01182 be granted permission subject to the following condition:

- 1 The window frames in the front (east elevation) and front door and frame, shall be fitted with Velfac RAL 9006 'White Aluminium', and remain so in perpetuity, unless otherwise agreed by the Local Planning Authority.

**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.

**81 APP/14/00547 - Land West of Horndean Road and South of Southleigh Road, Emsworth**

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

Proposal: Outline planning permission for 125 residential units and a water retention area. All matters reserved except access and levels

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) provided the information requested by the Site Viewing Working Party;
- (b) gave details of additional representations received since the agenda was published;
- (c) set out amendments to the recommendation set out in the report; and
- (d) included a written copy of Mr Ashe's deputation.

The Committee was addressed by the following deputees:

- (1) Mr Ashe, read out those parts of his deputation against the application(see (d) above) which were not in italics;

- (2) Mrs Curry objected to the proposal on the grounds that the flood alleviation scheme proposed was inadequate. She advised that her property was at risk of flooding and referred to a report she had commissioned from ESI. Mrs Curry emphasised that if the Committee was minded to permit, condition 18 should be enforced;
- (3) Mr Blackwell, the applicant's agent, supported the application for the following reasons:
- (a) the application had been subject consultation and scrutiny;
  - (b) modifications had been made to overcome concerns expressed during the consultation period; and
  - (c) the proposal was in accordance with the development plan.
- (4) Mr Charles, the applicant's consultant engineer, supported the application for the following reasons:
- (d) the flood alleviation scheme had been scutinised in detail during the examination of the allocations policy: the Inspector concluded that the scheme was acceptable;
  - (e) the ground level of the housing site would be raised to minimise the risk of flooding;
  - (g) the Environment Agency had ,subject to conditions; raised no objections to the scheme; and
  - (h) the proposal had less than 1 in 1000 annual probability of flooding from river or the sea.
- (Mr Charles failed to complete his deputation within the allotted time)
- (5) Councillor Gibb-Gray acknowledged that the site was allocated for housing in the Allocations Policy but with reference to the ESI report commissioned by Mrs Curry raised concerns:
- (i) that the proposal involved building in a flood plain
  - (j) about the adequacy of the flood compensation scheme, especially during periods of extreme weather;
  - (k) that the proposed access onto Horndean Way would exacerbate the existing traffic problems experienced in the area; and
  - (l) the application was not sustainable because of the failure to provide a footpath/cycle link to the south of the site

Councillor Gibb-Gray recommended the Committee to refuse the application

In response to matters raised by Councillor Gibb-Gray, the Committee was advised that the Flood Compensation Scheme was within the red line.

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

- (1) a footpath/cycle link could not be provided to the south of the site because the required land was not within the ownership of the applicant. The applicant had agreed to make provision for an access to be formed within the site up to the southern boundary;
- (2) the Highway Authority had advised that it would not support refusal on the grounds that the proposal was not sustainable;
- (3) the access onto Horndean Road formed part of the application and was considered acceptable; and
- (4) The flooding assessments submitted by the applicant's consultants and ESI were correct. At this stage the flood assessment scheme submitted was considered acceptable by the Environment Agency

The Committee discussed this application in detail together with the views raised by the deputees. The Committee considered that the proposed development complied with the Local Core Strategy and Allocations. It was therefore

RESOLVED:

- (A) that Application APP/14/00547 be granted permission subject to
  - (a) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990; such agreement to be to the satisfaction of the Solicitor to the Council and to incorporate the matters detailed in 7.36 of the report;
  - (b) the completion of a deed of variation of the existing Section 106 to allow the land to be developed; and
  - (c) the following conditions and informatives, subject to such conditions and/or amendments as the Executive Head of Planning and Built Environment considers appropriate.
    - 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 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.

**Reason:** To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Approval of the details of the following aspects of the development, hereinafter called "reserved matters" shall be obtained from the Local Planning Authority in writing before any development is commenced:

- (i) the scale of the development
- (ii) the appearance of the development
- (iii) the landscaping of the site
- (iv) the layout of all the buildings

**Reason:** In order to secure a satisfactory development.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: [to be added]

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

- 5 No development hereby permitted shall commence until plans and particulars specifying the alignment, width, gradient and type of construction proposed for all footways, roads and individual accesses thereto (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for street lighting and for surface water disposal and a programme for the implementation and making up of the same have been submitted to and approved in writing by the Local Planning Authority. The implementation and making up of the same shall be completed in full accordance with such plans, particulars and programme as are thus approved by the Authority.

**Reason:** To ensure that they are constructed to satisfactory standard and, where appropriate a standard which will enable them to be taken over as publicly maintained highways and having due regard to policies CS16 and CS20 of the Havant Borough Local



Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development is carried out in accordance with policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012.

- 7 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. Thereafter all works shall be carried out in accordance with the approved Statement throughout the construction period.

The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials used in constructing the development
- iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- iv) site compound and storage of plant and materials used in constructing the development

**Reason:** To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features and having due regard to policies DM8, DM10, and CS20 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 8 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure,

including acoustic fences where appropriate have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not commence prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

**Reason:** To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to hereby approved proposed and existing ground levels have been submitted to and approved by the Local Planning Authority.

**Reason:** In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the provision to be made for a material storage compound within the site have been submitted to and approved in writing by the Local Planning Authority. The approved compound shall be available prior to the commencement of any building works and throughout the contract period and no materials shall be stored anywhere else on the site.

**Reason:** 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 2012.

- 11 The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting has been submitted to and approved in writing by the Local

Planning Authority. There shall be no external lighting on the site other than as thereby approved.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 12 The development shall not be brought into use until space for the loading, unloading, parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with details to be agreed in writing with the Local Planning Authority. Such areas shall thereafter be retained and used solely for those purposes.

**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 2012.

- 13 Prior to the commencement of any development a fully-detailed scheme of site-wide ecological mitigation, compensation and enhancement measures (to include but not necessarily be restricted to: site plan showing all ecological features; detailed measures to protect and retain existing habitats and species; lighting plan; location, extent, composition and ongoing management of mitigation/compensation/enhancement habitat) shall be submitted to, and agreed in writing by, the Local Planning Authority. Such details shall be in accordance with the outline mitigation, compensation and enhancement measures detailed within the Habitat Creation and Management Plan and Outline Mitigation Proposals report (The Ecology Co-op, March 2014). Any such measures shall thereafter be implemented in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority and all mitigation features shall be retained and maintained in perpetuity.

**Reason:** To provide ecological protection and enhancement in accordance with policy CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework 2012, Conservation Regulations 2010, Wildlife & Countryside Act 1981, and NERC Act 2006.

- 14 Prior to commencement to submit plans of how the road layout of the site will be designed so as to

discourage through traffic between Southleigh Road and Horndean Road from using the sites internal road layout. Any agreed traffic calming feature shall be provided prior to the occupation of the first 25 dwellings constructed.

**Reason:** To reduce the likelihood of vehicles 'rat running' through the development in order to ensure the safety of pedestrians and cyclists within the development and having due regard to policies CS20 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 15 Prior to commencement of any development to submit plans and particulars for approval in writing by the Local Planning Authority showing the detailed proposals for how the internal layout of the site allows for the future provision of a southern pedestrian and cycle access.

**Reason:** To provide the ability to create a future link for a cycle route to the south of the site in the interest of highway safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 16 No development shall take place until a detailed design for the proposed relocated route of the watercourse crossing the development has been submitted to and approved in writing by the local planning authority.

The design will need to:

1. Demonstrate that the capacity of the watercourse will not be reduced as a result of the development. Design information to include location plans, calculations and cross sections.
2. Provide detail of any structures including control structures and new headwalls.

**Reason:** To ensure that flood risk does not increase as a result of the proposed relocation of the watercourse and having due regards to Policy DM25 of the Local Plan (Allocations) and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 17 No development shall take place until a detailed design for the proposed wetland area has been submitted to

and approved in writing by the local planning authority. The design will need to:

1. Demonstrate that the wetland area provides sufficient compensatory storage for the proposed land raising elsewhere on site. Design information to include location plans, calculations and cross sections. If the wetland is able to provide additional storage the standard of protection associated with this must be quantified.
2. Provide detail of any structures including control structures and new headwalls.

**Reason:** To ensure that flood risk does not increase as a result of the proposed land raising on site and having due regards to Policy DM25 of the Local Plan (Allocations) and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

18 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year (with an allowance for climate change) will not exceed the run-off from the existing site following the corresponding rainfall events. The drainage scheme should:

1. Provide an assessment of how the site is currently drained, its existing runoff rates and the proposed runoff rates. It should demonstrate that the combined flow from the proposed development does not exceed existing rates.
2. Demonstrate the surface water run-off generated up to and including the 1 in 100 year an allowance for climate change will not exceed the run-off from the existing site following the corresponding rainfall event.
3. Demonstrate the measures employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving waters.

4. Include details of how the scheme shall be maintained and managed after completion. This shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
5. A timetable for its implementation
6. A written summary of the scheme, including supporting calculations.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To prevent the increased risk of flooding, both on and off site. and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 19 No development shall take place until a scheme for the provision and management of a minimum 8 metre wide buffer zone alongside the newly realigned watercourse, newly created wetlands and existing pond shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, roads, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- (iii) plans showing the extent and layout of the buffer zones
  - details of any proposed planting scheme, which should consist of only native species.
  - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including
  - adequate financial provision and named body responsible for management plus production of detailed management plan
  - details of any proposed footpaths, fencing, lighting etc.

**Reason:** Development that encroaches on watercourses, wetlands and ponds has the potential to

have a severe impact on their ecological value. Land alongside watercourses, wetlands and ponds is particularly valuable for wildlife and it is essential this is protected and having due regards to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

20 No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

**Reason:** Development that encroaches on watercourses, wetlands and ponds has the potential to have a severe impact on their ecological value. Land alongside watercourses, wetlands and ponds is particularly valuable for wildlife and it is essential this is protected and having due regards to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

21 No development shall take place until the proposed realigned watercourse and newly created wetlands are constructed in accordance with a scheme and method statement to be submitted to and approved in writing by the local planning authority. The scheme shall include the following:

- The timing of the works
- Cross sections of the proposed realigned watercourse and proposed wetlands
- The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)

- The ecological enhancements as mitigation for the loss of habitat resulting from the development
- A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
- Any necessary mitigation for protected species
- Construction methods
- Any necessary pollution protection methods
- Details of the exact realignment of the watercourse and details of any bed material that may be imported to site. We would expect to see a two stage channel with wetland berms creating sinuosity and providing some natural variability rather than a linear, uniform channel. The works shall be carried out in accordance with the approved method statement.

**Reason:** Development that encroaches on watercourses, wetlands and ponds has the potential to have a severe impact on their ecological value. Land alongside watercourses, wetlands and ponds is particularly valuable for wildlife and it is essential this is protected and having due regards to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 22 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, including inter-alia details of Sustainable Drainage Systems and their maintenance, land drainage and off site sewer works have been submitted to and approved 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 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 regards to Policy DM25 of the Local Plan (Allocations) and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 23 No development shall commence until a revised Arboricultural Impact Assessment and Method



Statement relevant to any reserved matters layout has submitted to and agreed in writing by the Local Planning Authority. The proposed works shall be carried in accordance with the approved details.

**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) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 24 Prior to commencement, full details of existing and proposed levels for the water compensation area shown on plan 13-016/110 rev B shall be submitted/agreed by LPA. Re-levelling in accordance with the approved plans shall be carried out prior to the construction of any dwelling the subject of this permission. Resulting levels and gradients shall not be increased at any time thereafter without approval of LPA.

**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 regards to Policy DM25 of the Local Plan (Allocations) and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 25 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

**Reason:** The site is of archaeological significance and it is important that the opportunity should be afforded to excavate the site before development commences and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 26 The existing hedge that forms the boundary treatment to the northern and eastern boundaries of the site shall be retained at an average height of more than 2.5m except where it is necessary to be removed to form the access points into the development hereby agreed.

**Reason:** To ensure that measures are provided in the interests of the visual amenity of the local area having due regard to policies CS16 and DM8 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework 2012.

Informatives to include:

- 1) The applicant to set up on site facilities for:-
    - i) wheel washing
    - ii) measures to control the emission of dust and dirt during construction
    - iii) measures to control noise and vibration during construction
    - iv) a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - 2) Lorry/HGV routing should avoid North Street /railway bridge in Emsworth
  - 3) Hours of work: demolition, clearance, excavation, road or construction works should take place only between 0800hrs and 1800hrs on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.
- (B) In the event that the S106 and deed to vary the existing S106 not being completed by the 31st January 2014 (subject to such change as the Executive Head of Planning and Built Environment and the Solicitor to the Council may determine) that the application be REFUSED under delegated powers as not complying with the requirements of the Development Plan.

**The meeting commenced at 5.00 pm and concluded at 7.45 pm**

.....  
**Chairman**

## HAVANT BOROUGH COUNCIL

At a meeting of the Cabinet held on 12 January 2015

Present

Councillor A Briggs (In the Chair)

Councillors M Fairhurst, D Guest and Y Weeks

### **120 Apologies for Absence**

Apologies for absence were received from Councillors Branson and Cheshire.

### **121 Declarations of Interests**

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

### **122 Funding for Waterlooville Leisure Centre Extension**

Cabinet considered a report seeking approval to release Section 106 developer contributions, collected by Havant Borough Council from the first phase of the West of Waterlooville development, to Horizon Leisure Centres (HLC) to assist in enabling the expansion of Waterlooville Leisure Centre.

In response to a member of the Cabinet, the Chairman confirmed that the funding had been earmarked specifically for this project and that the Section 106 funds had now been received by the Council.

**RESOLVED** that the release of Section 106 developer contributions, collected from the first phase of the West of Waterlooville development totalling £225,272, to Horizon Leisure Centres (HLC) to assist in enabling the expansion of Waterlooville Leisure Centre be approved.

**The meeting commenced at 5.00 pm and concluded at 5.04 pm**

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## HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 14 January 2015

Present

Councillor Wilson (Chairman)

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

### **24 Apologies**

Apologies for absence were received from Councillors Edwards, Farrow and Gibb-Gray.

### **25 Minutes**

RESOLVED that the minutes of the Licensing Committee held on 12 November 2014 be approved as a correct record.

### **26 Matters Arising**

There were no matters arising.

### **27 Exclusion of the Press and Public**

RESOLVED that the public be excluded from the meeting during consideration of the minutes headed and numbered as below because:

- (a) it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those minutes there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and
- (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 30 Private Hire Vehicle Driver's Licence  
(Paragraphs 1 to 3)

### **28 Declarations of Interests**

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

### **29 Chairman's Report**

The Chairman provided an update on a street trading consent in Waterlooville.

### 30 Hackney Carriage / Private Hire Driver Licence

*(this minute was taken in camera)*

The Committee was requested to consider whether the licensed driver DT continued to be a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The relevant legislation stated that a district council shall not grant a licence "unless they are satisfied that the Applicant is a fit and proper person to hold a driver's licence".

There was no statutory definition of "fit and proper person" but case law suggested that the issue of whether an applicant was a fit and proper person should be approached by proper consideration of the objectives of the licensing regime. These objectives were intended to ensure that, so far as possible, those licensed to drive private hire vehicles were:

- safe drivers with good driving records and
- adequately experienced and
- sober and
- mentally and physically fit and
- honest and
- not persons who would take advantage of their employment to abuse or assault passengers and
- not persons who would take advantage of their employment to engage in criminal activity

The Chairman outlined the Committee's procedure for dealing with the possible revocation of a Hackney Carriage/Private Hire driver's licence.

The Licensing Officer presented her confidential report to the Committee.

The Committee viewed CCTV footage of, and events prior to, the incident.

Driver DT was given an opportunity to address the Committee in support of his case and answered members' questions. A character witness appeared and spoke on behalf of driver DT.

The driver and the licensing officers left the meeting during consideration of the application and were invited back into the meeting to receive the Committee's decision.

RESOLVED that the Committee had considered all the evidence before it, in particular the interview under caution and the CCTV footage.

The Committee was satisfied that a violent incident had taken place which was admitted under caution, repeated to the Committee and evidenced in the CCTV footage.

*Licensing Committee (14.1.15)*

The Committee believed that violence was always unacceptable, particularly for holders of a Hackney Carriage/Private Hire Driver's Licence issued by Havant Borough Council, and in this instance it was apparent that members of the public were present to witness the altercation.

The Committee strongly considered revocation of the licence but felt that in all the circumstances a penalty point was the most appropriate action.

The Committee accordingly awarded one penalty point.

**The meeting commenced at 5.00 pm and concluded at 7.11 pm**

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## **HAVANT BOROUGH COUNCIL**

At a meeting of the Scrutiny Board held on 30 January 2015

Present

Councillor Shimbart (Chairman)

Councillors Cousins, Galloway, Perry, Smith D, Smith K, Tarrant, Turner, Ponsonby, Mackey (Standing Deputy) and Mrs Shimbart (Standing Deputy)

### **35 Apologies**

Apologies for absence were received from Councillors Buckley, Keast and Lenaghan.

### **36 Minutes**

RESOLVED that the minutes of the meeting of the Scrutiny Board held on 18 November 2014 be approved as a correct record.

### **37 Matters Arising**

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

### **38 Declarations of Interests**

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

### **39 Chairman's Report**

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

### **40 Draft Revenue and Capital Budgets 2015-16**

The Board was given an opportunity to consider and comment upon the proposed Revenue and Capital Budgets 2015/16.

The Leader of the Council, the Cabinet Lead for Environment and Neighbourhood Quality, the Executive Head for Governance and Logistics and the Corporate Accountancy Team Leader were invited to join the meeting and answered members' questions in connection with the report.

Several questions were submitted before the meeting and these and their related responses are attached to these minutes in Appendix A.

The Board then held a detailed discussion over various aspects of the budget and the following points were raised during the course of the discussion:

- The hire charge rate for rooms at the Public Service Plaza;
- Car parking charges throughout the borough;
- The implementation of new IT systems;
- An update on the legal services project; and
- The cost of hiring cricket nets.

Following the discussion it was suggested that after the 2015 elections a training session on Local Government finance be held for Councillors.

At the conclusion of the debate the officers were thanked for all their hard work in preparing a comprehensive budget report.

The Scrutiny Board RECOMMENDED to Cabinet

- (1) The proposed revenue and capital budget for 2015/16, which included a Council Tax rate of £192.78 at Band D (represented a 0% increase);
- (2) The Treasury Management Strategy and Prudential Indicators; and
- (3) The proposed Prices for Services for 2015/16.

#### **41 Scrutiny Board Work Programme 2014/15**

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

RESOLVED that the 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 2.00 pm and concluded at 3.00 pm**

.....  
**Chairman**

## Scrutiny Board 30 February 2015 – Appendix A

|         | Questions Raised By:    |  |
|---------|-------------------------|--|
| Page 73 | 1. Cllr Andrew Lenaghan | <p>As we have hand held computers could the Beachlands paper permit season ticket be abolished and the Registrations recorder on the system. I am sure we can overcome 2 registrations being allowed on a permit. The car parking attendants could then check quite quickly and accurately if the car is legally parked. This would overcome the wholly disproportionate charge for lost tickets which I am sure were put in place to alienate the public. If the system cannot cope and we have to continue with permits I would like to see this charge reduced to a reasonable charge to cover the admin cost only. Going by how quickly Councillor Permits are issued for parking I would have thought a maximum of £10 would be in order unless you can give a good reason for the charge.</p> <p><u>Response:</u></p> <p><i>Unfortunately, the handhelds will not allow the CEOs to record whether a vehicle is parked or not if these permit details were contained within it. Therefore it would not be possible to identify if both cars are parked at the same time. There are paperless options we could use but these will require investment in new IT to implement. Again we would need to remove the option for two registrations on the permit which has been a popular option.</i></p> <p><i>If supported by my Cabinet Lead I am happy to reduce the charge for lost permits to the same as the admin fee as that would cover the costs still.</i></p> |
| Page 73 | Cllr Andrew Lenaghan    | <p>Our loyal long standing customers seem to be penalised with a larger % increase for Beach hut hire. I would like to see these stand still for a year following a few years of serious increases and disruption. This could be made up by increasing the daily hire charges which as a % are considerably less. The daily rate is seriously good value especially when you compare the daily summer rate to the winter rate. I don't know how many huts are involved or how we compare to other resorts, but I would have thought anything less than £150 per week was a bargain in the high season. I think this needs a serious strategy and marketing review as there seems very little science to the structure.</p> <p><u>Response:</u></p> <p><i>Cllr Briggs to provide a response at the Scrutiny Board.</i></p>  |
|         | 3. Cllr John Perry      | <p>The Budget looks reasonable for 2015/16; however, I am unsure how the Council can comply with para 2.4 on page 75 of the Agenda if no projected cash flow statement has been prepared particularly since the reversal of depreciation of £2.26M and the reserve contribution of £0.3M on page 13; together with the £158k of bad debt provision release all produce revenue but no cash.</p> <p>Therefore I propose that that we request a projected cash flow statement to ensure that the budget is balanced and does</p>   |

|         |                     |  |
|---------|---------------------|--|
|         |                     | <p>not require excessive bank borrowings.</p> <p><i>Response:</i></p> <p><i>The specific answer to that is that the budget as set out in Appendix A has a section called "Statutory Adjustments" which meets the requirement of para 2.4 of ensuring the capital spending decisions impact on the revenue budget are included.</i></p>   |
| 4.      | Cllr John Perry     | <p>I am also not happy with the proposed increase in the High Hedges complaint fee increase from £390 to £500; I would be happier with an increase to £400. Could I ask how many submissions were made in 2013/14 and 2014/15, and what is the cost of administration of them in those years?</p> <p><u>Response:</u></p> <p><i>We had 2 applications in 2013 with a fee of £270 paid for each. None in 2014.</i></p> <p><i>An assessment of time and cost was undertaken just before Christmas, and found that the total cost to the Council, even of a 'straightforward case', is £596.01, compared with the fee income of £270. Hence the decision to increase the fee to more closely reflect the actual cost.</i></p> |
| Page 18 | Cllr Ralph Cousins  | <p>What was the total car parking income for 2013/14, 2014/15 and the anticipated income for 2015/16?</p> <p><u>Response:</u></p> <p>2013/14 - £856,000.00<br/> 2014/15 - £893,558.00 (end of Quarter 3)<br/> 2015/16 - £882,000.00 (projected)</p>  |
| 6.      | Cllr Faith Ponsonby | <p>In setting the budget, has allowance been made for the possible increase in salary level of the lowest grade workers to reach the level of the 'living wage', currently £7.85 per hour, in accordance with the recent motion passed at Council?</p> <p><u>Response:</u></p> <p><i>Yes, this has been allowed for when setting the budget.</i></p>   |

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Cabinet held on 4 February 2015

Present

Councillor Cheshire (Chairman)

Councillors Briggs, Branson, Fairhurst, Guest and Weeks

### **123 Apologies for Absence**

There were no apologies for absence.

### **124 Minutes**

RESOLVED that the minutes of the meeting of the Cabinet held on 19 November 2014 and the extraordinary meetings held on 10 December 2014 and 12 January 2015 be approved as a correct record.

### **125 Matters Arising**

There were no matters arising from the minutes of the minutes referred to at 124 above.

### **126 Declarations of Interests**

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

### **127 Chairman's Report**

There were no matters the Chairman wished to report.

### **128 Cabinet Lead Delegated Decisions, Minutes from Meetings etc.**

RESOLVED that the following minutes and delegated decisions be noted:

- (1) Minutes of the Portchester Crematorium Joint Management Committee held on 15 December 2014;
- (2) Delegated Decision: Annual Monitoring Report, Planning and Compulsory Purchase Act (2004) and Town and Country Planning (local planning) (England) Regulations 2012; and
- (3) Proposed Traffic Regulation Order, Havant: High Lawn Way, Somborne Drive, Fair Oak Drive and The Drive.

### **129 Recommendations from the Scrutiny Board**

Councillor Leah Turner presented a report and recommendations to the Cabinet arising from a scrutiny review of appointments to outside organisations.

Cabinet members were supportive of the proposals set out in the report, subject to the removal of the reference under 2(b) in Appendix D *“It does not entail being there in name only and merely turning up to meetings”*. This amendment was supported by Councillor Turner and by Councillor Branson as Scrutiny Lead.

Cabinet members also requested that officers liaise with the Cabinet Lead to define, in relation to each outside appointment, the role and responsibilities of the Council’s appointed representative and the anticipated objectives in fulfilling the appointment.

At the conclusion of the debate the Chairman thanked Cllr Turner for the Scrutiny Panel’s comprehensive report.

RESOLVED that:

- (1) The Guidance Code for Councillors and Officers on Outside Organisations (Appendix D to the report) be amended to remove the reference Under 2(b) *“It does not entail being there in name only and merely turning up to meetings”*;
- (2) All Councillors appointed to an outside body be required to complete a feedback form after each scheduled meeting in order to ensure that each appointment continues to represent value for the Council;
- (3) The Guidance Code for Councillors on Outside Organisations contained within the Council’s Yearbook is circulated to all Councillors sitting on an outside body as the council’s representative; and
- (4) From the start of the next municipal year all outside bodies be requested to advise Democratic Services of any future meetings programmed and forward on any future sets of minutes.

### **130 Draft Revenue and Capital Budgets 2015-16**

The Leader of the Council presented a report setting out the proposed revenue budget, capital programme, Reserves and Balances, Treasury Management Strategy and Prices for Services for 2014/15. The Financial Planning report was to be presented to Council on 18th February 2015 for final approval, with the Council Tax Resolution. A revised and updated Appendix A to the report was circulated.

On behalf of the Cabinet the Leader conveyed his appreciation to the Finance Team

RECOMMENDED to full Council that the following be approved:

- (1) The proposed revenue and capital budget for 2015/16, including a Council Tax rate of £192.78 at Band D (representing a 0% increase);
- (2) The Treasury Management Strategy and Prudential Indicators;
- (3) Proposed Prices for Services for 2015/16; and

*Cabinet (4.2.15)*

- (4) The Council's appreciation be recorded to the Finance Team for their work to compile a balanced budget at no additional cost to Council Tax Payers in the Borough.

### **131 Corporate Strategy 2015-20**

The Leader presented the Council's draft Corporate Strategy for 2015-20. The draft Strategy was agreed by Cabinet members for onward recommendation to full Council subject to the amendment set out below:

RECOMMENDED to full Council that the Corporate Strategy 2015-20 be approved and adopted subject to the following amendment to Appendix 1:

That, under "In the future our environment will", the first paragraph be amended to include the word 'harbours' so as to read:

**"Enhance our area as a great place to live and work** – we will use and enhance our countryside, *harbours* and coastline ..."

### **132 Community Infrastructure Levy: Spending**

Councillor Guest presented a report summarising the bids received in response to the invitations to put forward projects for spending of funds collected through the Community Infrastructure Levy (CIL); and recommending shortlisted projects, amendments to the Funding Decision Protocol and the Regulation 123 List.

RECOMMENDED to full Council that:

- (1) Up to £50,000 of CIL funding be used, working in partnership with Hampshire County Council, to commission a feasibility study into the costs, options for construction and a business case for the Havant Station footbridge to lever in funding from other sources;
- (2) Remaining funds collected up to 31 March 2015 to be carried forward, pending the outcome of the studies for the Havant Station Footbridge and the Southmoor Lane / Harts Farm Way junction signalisation options;
- (3) Other bids be not supported at this time due to the limited funds currently available from the CIL;
- (4) The revised Funding Decision Protocol at Appendix C to the Cabinet report be agreed; and
- (5) The Executive Head (Planning & Built Environment), in consultation with the Cabinet Lead for Planning Policy and the Built Environment, be authorised to amend the explanatory notes to the Regulation 123 List for clarification.

Councillor Fairhurst presented a report setting out the business case for the personalisation of Services, in line with the Council's Corporate Strategy, so that residents and businesses could be offered a level of service at a price to suit their needs. In order to deliver this programme of work, funding would be required and the report asked for the release of funds needed to deliver the Personalisation programme. The full Business Case was circulated.

RESOLVED that:

- (1) the Business Case be approved;
- (2) Funding be released from the transformation reserves in the sum of £115,500 to fund the implementation costs of this programme; and
- (3) the additional Revenue Budget of £210,038 be approved, reducing to £129,038 in year 3 as set out in the business case.

**The meeting commenced at 2.00 pm and concluded at 2.34 pm**

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**Chairman**