

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 28 May 2015

Present

Councillor Buckley (Chairman)

Councillors Brown, Heard, Mrs Shimbart (Vice-Chairman), Satchwell, Tarrant and Guest (Standing Deputy)

1 Apologies for Absence

Apologies for absence were received from Councillor Keast.

2 Minutes

The Minutes of the meeting of the Development Management Committee held on 21 May 2015 were agreed as a correct record and signed by the Chairman.

3 Matters Arising

There were no matters arising.

4 Site Viewing Working Party Minutes

The Minutes of the meeting of the Site Viewing Working Party held on 21 May 2015 were received.

5 Declarations of Interest

There were no declarations of interests.

6 Chairman's Report

The Chairman welcomed the new members of the Committee.

7 Matters to be Considered for Site Viewing and Deferment

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

8 Appointment of Site Viewing Working Party

The Committee considered the appointment of the Site Viewing Working Party for the ensuing year.

RESOLVED that

- (a) that the Site Viewing Working Party be constituted with the following terms of reference:

Title:	Site Viewing Working Party
Membership:	All members of the Development Management Committee
Standing Deputies:	All standing deputies of the Development Management Committee
Chairman:	Chairman of the Development Management Committee
Vice Chairman:	Vice Chairman of the Development Management Committee
Function:	To inspect sites relating to planning applications, and other matters referred to it by the Development Management Committee and officers and to inspect sites as necessary and request additional information if necessary.

- (b) members of the Development management Committee (including Standing Deputies) be appointed to the Working Party referred to in (a) above; and
- (c) members appointed to the Working Party referred to in (a) above continue to be members and constitute that Working Party until the first meeting of the Committee after the annual meeting of the Council subject to the members concerned remaining members of the Council during that time.

9 Deputations

The Committee received the following deputations/representations:

- (1) Mr Monk (objector) – APP/15/00228 – 41-49 Frogmore Lane, Waterlooville (Minute 121)
- (2) Mr Tutton (applicant's agent) – APP/15/00228 – 41-49 Frogmore Lane, Waterlooville (Minute 121)
- (3) Councillor Shimbart (ward councillor) – APP/15/00228 – 41 – 49 Frogmore Lane, Waterlooville (Minute 121)
- (4) Councillor Gibb-Gray (ward councillor) – APP/15/00349 and APP/15/00352 – 31 and 33 HollyBank Lane, Emsworth (Minute 123)
- (5) Councillor Mackey (ward councillor) - APP/15/00349 and APP/15/00352 – 31 and 33 HollyBank Lane, Emsworth (Minute 123)

10 APP/15/00228 - 41-49 Frogmore Lane, Waterlooville

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

Proposal: Outline application for the construction of 4No. detached 3 bed chalet style bungalows with approval for access and layout with all other Reserved Matters.

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

The Committee received supplementary information, circulated prior to the meeting, which included an additional condition which sought to ensure that the foundations of the proposed development would not adversely affect the existing trees in the locality.

The Committee was advised during the meeting that the ecological issue referred to in the report had not yet been resolved.

The Committee was addressed by the following deputees:

- (1) Mr Monk, who objected on behalf of the Yoells Residents' Association and the wider community, to the proposal for the following reasons:
 - (a) the height of the proposed buildings were out of character with the locality and in particular Frogmore Lane; when assessing the impact of the proposal on the locality, the benchmark should be Yoells Crescent and Frogmore Lane and not Willowside;
 - (b) the proposal would give rise to further overlooking of adjoining properties thereby exacerbating the existing problems of overlooking and loss of privacy experienced by occupiers of adjoining properties;
 - (c) a Planning Inspector had dismissed a previous application for development of the application site;
 - (d) the proposal would exacerbate the existing overbearing development at Willowside to the detriment of the amenities and living conditions;
 - (e) the cumulative impact of this development was not sustainable by placing a strain on overstretched school and medical facilities;
 - (f) the Council had sufficient sites identified to meet its housing targets without the development of this site;
 - (g) the proposal would have a detrimental impact on wildlife living on the site

Mr Monk did not complete his deputation within the allotted time.

- (3) Mr Tutton, the applicant's agent supported the submitted report and recommendation for the following reasons:
- (h) the proposal was a sustainable development with easy access to bus services, shops and schools: the NPPF stipulated that there should be presumption in favour of sustainable development;
 - (i) the application site was comprised of underused garden land belonging to properties in Frogmore Lane. This land was therefore surplus to requirements and suitable for development;
 - (j) the proposed ridge height of the detached chalet bungalows would be lower than the ridge height of the properties in Willowside;
 - (k) the proposal met the criteria of Policy CS16 and was not out of character with the locality;
 - (l) the trees felled were of a low quality; no objections were raised by the officers;
 - (m) discussions were being held between the ecological consultations to identify a suitable translocation site for the slow worms

Mr Tutton, with reference to a recent appeal decision, reminded the Committee that if it was minded to refuse this application it should have sufficient reasons to justify such a refusal to avoid paying costs at appeal.

- (2) Councillor Shimbart supported the objections made by Mr Monk and raised the following concerns:
- (n) the proposal incorporating dormer windows would give rise to overlooking to the detriment of the living conditions and amenities of occupiers of the neighbouring properties;
 - (o) the proposal, would lead to pressure to extend the Willowside Development into the other rear gardens in Frogmore Lane to the detriment of existing residents and the character of the area; and
 - (p) this piecemeal development of the area appeared to be way of avoiding the Council's affordable housing requirements.

Councillor Shimbart reminded the Committee that it should not be influenced by threats of costs when making its decision

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

- (1) the outstanding ecological issue related to arrangements for the translocation of existing reptile population on the site;
- (2) This was a relatively modest outline application for approval of access and layout so it was not an overriding requirement to consult with doctors in the area
- (3) the Council's policies did not take into account the cumulative impact of developments in terms of Affordable Housing provision;
- (4) It was not possible to impose a condition to prohibit applications for development of other rear gardens in Frogmore Lane.

The Chairman reminded the Committee that ownership of the land was not a material planning consideration.

The Committee discussed this application in detail together with the motion to grant permission. However, a majority of the Committee considered that the proposal was:

- (A) an undesirable form of backland development which had a an unsatisfactory access and was out of keeping with the character of the locality to the detriment of the amenities of the area and the occupiers of neighbouring property; and
- (B) an over intensive use of the site which would have an adverse effect on the amenities of occupiers of adjoining properties.

The Committee was advised, that if it was minded to refuse the application, it should also refuse on the grounds that the applicant had failed to satisfy the Council that suitable arrangements had been made for the translocation site of the existing reptile population on the site.

With regard to (A) above the Committee was advised that as the Highway Authority had not objected to the proposal it would be difficult to sustain a reason for refusal on the grounds of an inadequate access: also that the existing Willowside development would be likely to be regarded by a Planning Inspector as providing part of the context for the new development..

RESOLVED that Application APP/13/00228 be refused for the following reasons:

- 1 The proposal would result in an undesirable form of backland development out of keeping with the character of the locality and detrimental to the amenities of the area. It is therefore contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 The proposal would result in backland development which is undesirable because of the unsatisfactory access and because of the adverse effect on the occupiers of neighbouring property. It is therefore contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The proposed development would constitute an undesirable over-intensive use of the site which would have an adverse effect on the amenities of occupiers of adjoining properties. It is therefore contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 Insufficient information has been submitted to satisfy the Council that suitable arrangements had been made for the translocation site of the existing reptile population on the site: the exact wording of this reason to be determined by the Executive Head of Planning and Economy

11 Exclusion of Press and Public

RESOLVED that:

- (A) Subject to (B) below the public be excluded from the meeting, after the officer's presentation and deputations, during consideration of the minute 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 122 APP/15/00349 & APP/15/00352
(Paragraphs 3 and 5)
- (B) Councillors Gibb-Gray and Creswell, in their capacity as ward councillors, be permitted to remain in the meeting after the press and public had been excluded.

12 APP/15/00349 - 31 Hollybank Lane, Emsworth And APP/15/00352 - 33 Hollybank lane, Emsworth

(The sites were viewed by the Site Viewing Working Party)

APP/15/00349

Proposal: Fell 1No. Oak within A2 of TPO 0088

APP/15/00352

Proposal: Fell 1No. Oak within A2 of TPO 0088

The Committee considered the written reports and recommendations of the Executive Head of Planning and Economy to grant permission for both applications.

The Committee was addressed by the following deputees:

- (1) Councillor Mackey, who objected to the proposals for the following reasons:
 - (a) it appeared that insufficient evidence had been submitted to show that the trees were causing damage to 31 Hollybank Lane; and
 - (b) other steps to resolve this issue should be explored first
- (3) Councillor Gibb-Gray, objected to the proposal for the following reasons:
 - (c) there were no environmental or arboricultural reasons for felling the trees, the subject of the application;
 - (d) the loss of these historic trees would have a detrimental effect on the character and visual amenities of Hollybank Lane;
 - (e) the trees were present when 31 Hollybank Lane was built in the 1950s: the principle of “buyer beware” should be applied to this case;
 - (l) the change in legislation made it far too easy to blame trees for damage to properties; and
 - (m) the Committee should place the health and amenity value of the trees above any potential compensation costs.

Councillor Gibb Gray also:

- (i) expressed disappointment that the press and public were being excluded from the debate and
- (ii) recommended that the Council should adopt a Tree Strategy which would save time and costs when dealing with future applications of this type.

(in camera)

The Committee discussed the implications of these applications in detail together with the views raised by the deputees. In the light of the professional advice given during the meeting, the Committee with great reluctance

RESOLVED that:

(A) Application APP/15/00349 be granted consent subject to the following condition:

- 1 The tree felling for which consent is hereby granted shall not commence until a detailed scheme and specification for replacement tree planting on an adjacent part of the site has been submitted to and approved in writing by the Local Planning Authority; such specification shall include details of the species and size of such replacement planting.

Reason: To conserve and safeguard the visual amenities of the locality

(B) Application APP/15//00352 be granted consent subject to the following condition:

- 1 The tree felling for which consent is hereby granted shall not commence until a detailed scheme and specification for replacement tree planting on an adjacent part of the site has been submitted to and approved in writing by the Local Planning Authority; such specification shall include details of the species and size of such replacement planting.

Reason: To conserve and safeguard the visual amenities of the locality.

The meeting commenced at 5.00 pm and concluded at 7.18 pm

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Chairman