

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 13 August 2015

Present

Councillor Buckley (Chairman)

Councillors Heard, Keast, Satchwell, Tarrant, Patrick and Hart (Standing Deputy)

33 Apologies for Absence

Apologies for absence were received from Councillor Brown.

34 Minutes

The Minutes of the meeting of the Development Management Committee held on 16 July 2015 were agreed as a correct record and signed by the Chairman.

35 Matters Arising

There were no matters arising.

36 Declarations of Interest

There were no declarations of interests.

37 Chairman's Report

The Chairman had nothing to report.

38 Matters to be Considered for Site Viewing and Deferment

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

39 Deputations

The Committee received the following deputations/representations:

- (1) Mr Mountain (applicant's representative) – Application APP/15/00653 – 97–109 North Street, Emsworth (Minute 40)
- (2) Councillor Gibb-Gray (ward councillor) – Application APP/15/00653 – 97-109 North Street, Emsworth (Minute 40)
- (3) Councillor Mackey (ward councillor) – Application APP/15/00653 – 97-109 North Street, Emsworth (Minute 40)

40 APP/15/00653 - Boundary wall to front of 97- 109 North Street, Emsworth

Proposal: Boundary wall to front of 97-109 North Street, Emsworth.

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 set out an amendment to condition 3.

Prior to any discussion, the Committee was advised that:

- (a) the application had been submitted to the Committee because the applicant was the Council;
- (b) due to the risk of imminent collapse of the wall and danger to the public, Hampshire County Council, the Highway Authority, arranged for the wall to be fenced off and the closure of the footway under the railway bridge (“the footway”);
- (c) if the Committee was minded to grant permission, there would be no obligation on the Council to fund works: to replace or make safe the existing wall; to build a replacement wall, or any other works required to reopen the footway; and
- (d) it was understood that Cabinet would consider whether to fund any of the costs of replacing the wall (in the region of £130,000) at a future meeting. However this was not a material planning consideration.

During the meeting, the Committee was also advised of the following additional amendments to the proposed conditions:

- (a) Condition 2 –reference to the Construction Method Statement was deleted; and
- (b) Condition 4 – amended to read as follows:

“The development shall be carried out in strict accordance with a Construction Management Plan to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality 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”

The Committee was addressed by the following deputees:

- (1) Mr Mountain, who behalf of the applicant supported the application and advised that:

- (a) there was a need to find a solution to reopen the footway: the closure of the footway had generated a number of complaints;
 - (b) Condition 4 (as amended) required the submission and approval of a construction method statement, which would include details of the time required to close North Street to enable the works to be completed. The Council had invited tenders to obtain indicative costs and timings of the works: the best tender received had indicated that North Street would only be closed for two days;
- (3) Councillor Gibb-Gray (ward councillor) supported the application and raised the following issues:
- (e) there was a need to find a solution as the footway had been closed for six months. The alternative official diversion route was lengthy and susceptible to flooding, which was unsuitable for a majority of residents who used it;
 - (f) rumours that North Street would be closed for 6 weeks to enable works to rebuild the wall and reopen the footway had generated much concern by residents and businesses. The advice given by Mr Mountain that North Street would only be closed for two days was welcomed;
 - (g) granting this application should not place an obligation on this Council to contribute towards the funding of any works to build the wall: the funding of any works required to reopen the footway and/or rebuild the wall was a private matter between Hampshire County Council, the Highway Authority and the neighbouring land owners;
 - (h) Hampshire County Council had proposed an alternative to replacing the wall. However this was a matter for negotiation between the County Council and neighbouring landowners; and
 - (i) The granting of this application was a way forward if all other schemes to resolve this problem could not be implemented
- (2) Councillor Mackey (ward Councillor) also supported the application and raised the following issues:
- (e) there was a need for a long term solution to this problem which had had been endured by residents and businesses in Emsworth for over six months; and
 - (f) the proposal was a good fall back position if all other schemes to resolve this problem could not be implemented.

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

- (1) the wall on the opposite side of the road to the footway, was owned by Network Rail and replaced by them: the proposal was of a similar design and would match this wall; and
- (2) the granting of this application would not prevent a cheaper solution being implemented: this was not however a material planning consideration.

RESOLVED that Application APP/15/006653 be granted permission subject to the following conditions:

- 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:

Existing retaining wall survey - DN: 2015_11/002
Retaining wall Isometric View - DN: 2015_11/002
Retaining wall typical cross section - DN: 2015_11/001
New retaining wall long section - DN: 2015_11/001
Retaining wall location - - DN: 2015_11/001
New retaining wall plan - DN: 2015_11/001
Site compound plan - received on 6/7/15

Reason: - To ensure provision of a satisfactory development.

- 3 Construction of the brick facing of the wall hereby permitted shall not commence until samples and details of the bricks have been submitted to and approved 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The development shall be carried out in strict accordance with a Construction Management Plan to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality 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.

- 5 The areas of land required to be altered to construct the wall at the front of No's 97-109 North Street shall be reinstated to the previous ground level unless otherwise agreed with the Local Planning Authority.

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

The meeting commenced at 5.00 pm and concluded at 5.32 pm

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Chairman