

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 3 September 2015

Present

Councillor Buckley (Chairman)

Councillors Hart, Heard, Keast, Patrick, Satchwell and Tarrant

### **41 Apologies for Absence**

There were no apologies for absence.

### **42 Minutes**

The Minutes of the meeting of the Development Management Committee held on 13 August 2015 were agreed as a correct record and signed by the Chairman.

### **43 Matters Arising**

There were no matters arising.

### **44 Declarations of Interest**

There were no declarations of interests.

### **45 Chairman's Report**

The Chairman:

- (a) welcomed Councillor Hart as a member of the Committee, and
- (b) reminded members of the Committee that a Development Consultation Forum would be held on 10 September 2015 to discuss outline planning application for 175 homes on land south of Bartons Road.

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

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

### **47 Deputations**

The Committee received the following deputations/representations:

- (1) Mr Grier (objector) – Application APP/15/00728 – Land to Rear of 41-49 Frogmore Lane, Waterlooville (Minute 48)
- (2) Mr Tutton (applicant's agent) – Application APP/15/00728 – Land Rear of 41-49 Frogmore Lane, Waterlooville (Minute 48)
- (3) Councillor Shimbart (ward councillor) – Application APP/15/00728 – Land Rear of 41-49 Frogmore Lane, Waterlooville (Minute 48)

**47a APP/15/00728 - Land to rear of 41-49 Frogmore Lane, Waterlooville**

(The site was viewed by the Site Viewing Working Party on 21 May 2015)

Proposal: Outline application for the construction of 4No. detached 3 bed chalet style bungalows with approval for access, appearance, layout and scale with landscaping reserved. (Revised application.)

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 additional representations received since the agenda was published.

The Committee was advised of the differences between this application and the previous application (APP/15/00228) considered by the Committee on 28 May 2008.

The Committee was addressed by the following deputees:

- (1) Mr Grier, who objected to the proposal for the following reasons:
  - (a) the Council had sufficient sites identified to meet its housing targets without the development of this site;
  - (b) the proposal would exacerbate the existing overbearing development at Willowside to the detriment of the amenities and living conditions of occupiers of neighbouring properties;
  - (c) the cumulative impact of this development was not sustainable by placing a strain on overstretched school and medical facilities; and
  - (d) the proposal would have a detrimental impact on wildlife living on the site

Mr Grier when making his deputation expressed concern that the 50 objections received had appeared to have been dismissed without serious consideration.

- (2) Mr Tutton, the applicant's agent, supported the application, for the following reasons:
- (e) 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;
  - (f) 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
  - (g) the layout and design were seen to accord with the character and appearance of this locality and fully satisfied the Borough Council's requirements;
  - (h) the benefits that would accrue from the provision of housing in this sustainable location had been recognised by a planning inspector;
  - (i) provision is now to be made for a reptile corridor (with composting areas) along the northwest boundary of the application site: this arrangement satisfactorily addressed Reason for Refusal 4 of the recent decision.

Mr Tutton, advised the Committee that he did not consider that there were sustainable reasons for refusing this application.

- (3) Councillor Shimbart supported the objections made by Mr Grier and raised the following concerns:
- (j) the information supporting the sustainability of the proposed development appeared to be out of date with reference to nearby school facilities and misleading with regard to the frequency of bus services;
  - (k) 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 recommended that if the Committee was minded to grant permission, that the conditions should be rigorously enforced.

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

- (1) development of the site as part of the a larger site at Willowside had been the subject to a number of applications. An application relating to development of 41 to 55 Frogmore Lane had been previously refused;
- (2) a planning appeal had been lodged against the refusal of application APP/15/00228: a decision had not yet be made on this appeal;
- (3) the officers were of the opinion that the proposed development was acceptable and recommended approval;
- (4) Condition 10(1) was a standard condition: the height of the top light could be stipulated in a condition, if considered necessary;
- (5) the minimum back to back distances between the proposed and existing dwellings complied with the Council's Design Guide;
- (6) details for the maintenance of the proposed slow worm refuge had yet to be agreed;
- (7) the size of the proposal did not trigger the affordable housing threshold: the proposed scheme could not be regarded as comprising part of a Willowside site and as a consequence there was no need to make provision for affordable housing;
- (8) the location of the third bedroom was not a major determining factor when considering this application;
- (9) the Committee had to determine the application as submitted and not attempt to redesign the application;
- (10) the parking provision met the Council's adopted standards.

During the debate, the Committee was advised to agree to a further condition requiring the submission and approval of details for the garages and parking spaces before commencement of the development.

The Committee discussed this application in detail together with the views raised by the deputees. Although concern was raised that the development would have a detrimental impact on the adjoining residents, it was considered that this was not sufficient to justify a refusal. The Committee also discussed the need to consider the reserved application to but in light of the officer's advice, acknowledged that this would be considered by the officers under delegated powers. It was therefore

RESOLVED that Application APP/13/00728 be granted consent subject to:

- (a) a condition requiring the submission and approval of details of the garages and parking provision prior to commencement of the

development in the interests of road safety: the exact wording of this condition to be determined by the Executive Head of Planning and Economy and

(b) the following conditions:

- 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 Approval of the details of the landscaping of the site (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- 3 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.

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

14001 SK 05 L (Site Layout, Location Plan and Street Elevation)

14001 SK 06 D (Site Sections)

14001 SK 08 (Unit Plans, Section and Elevations)

**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 the proposed access road, parking areas and turning head (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 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 and ridges of the proposed buildings and the surrounding ground levels, in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.

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

- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building, structure or hardstanding permitted by any such Order shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows, doors or other openings shall be constructed at first floor level or above within the rear elevations of the buildings without the prior written approval of the Local Planning Authority.

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

- 9 The rear first floor bedroom windows shall have a minimum cill height of 1.75m above finished first floor level.

**Reason:** To protect the amenities of adjoining residential properties and having due regard to policy CS16 of the Havant

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

- 10 The rear first floor bathroom windows shall:
- (i) consist of at least two lights divided horizontally with only the top light capable of being opened, and shall be maintained in that condition at all times; and
  - ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

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

- 11 The development shall not be brought into use until the garages and spaces for the parking of vehicles has been provided within the site, and surfaced and marked out in accordance with the approved details and any other details subsequently agreed in writing with the Local Planning Authority. Such garages and spaces shall thereafter be retained and used solely for those purposes, solely in connection with the Plots as annotated on the drawings hereby approved.

**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.

- 12 The development shall be carried out in full accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultants on 13 February 2015 and received by the Local Planning Authority on 30 June 2015. All protection measures contained therein shall be undertaken and fully adhered to at all times whilst such implementation is in progress. Any such tree which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than Extra Heavy Standard when planted.

**Reason:** To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the

Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 13 No development shall commence on the site until details of the design, depth and type of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard against undue damage to existing trees and/or other vegetation at the site and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 14 Prior to the commencement of development, a detailed written scheme of reptile mitigation, compensation and enhancement measures (to include but not necessarily be restricted to: details of habitat clearance; handling of reptiles; fencing; ongoing management or refuge area) shall be submitted to and approved in writing by the Local Planning Authority. All reptile mitigation, compensation and enhancement features shall be retained and maintained in perpetuity in accordance with the agreed details.

**Reason:** To protect and enhance biodiversity and having due regard to policies CS11 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

**The meeting commenced at 5.00 pm and concluded at 5.53 pm**

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**Chairman**