

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 25 February 2016

Present

Councillor Buckley (Chairman)

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

### **86 Apologies for Absence**

There were no apologies for absence.

### **87 Minutes**

The Minutes of the meeting of the Development Management Committee held on 14 January 2016 were agreed as a correct record and signed by the Chairman.

### **88 Matters Arising**

There were no matters arising

### **89 Site Viewing Working Party Minutes**

The Minutes of the meeting of the Site Viewing Working Party held on 23 February 2016 were received.

### **90 Declarations of Interest**

There were no declarations of interests.

### **91 Chairman's Report**

The Chairman had nothing to report.

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

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

### **93 Deputations**

- (1) Mr Millett (Applicant's agent) – Application APP/15/01397 - High Street, Emsworth (Minute 93b)
  
- (2) Councillor Cresswell (ward councillor) – Application APP/15/01397 - High Street, Emsworth (Minute 93b)
  
- (3) Mr Comlay (objector) – Application APP/14/01225 – Market Parade Development Site, Market Parade, Havant (Minute 93a)
  
- (4) Ms Ann Buckley (objector) - APP/14/01225 – Market Parade Development Site, Market Parade, Havant (Minute 93a)
  
- (5) Mr Pattenden (objector) - APP/14/01225 – Market Parade Development Site, Market Parade, Havant (Minute 93a)
  
- (6) Ms Cutts (applicant's agent) and Mr Adams (developer) – APP/14/01225 – Market Parade Development Site, Market Parade, Havant (Minute 93a)

**93a APP/15/01397- 10-12 High Street, Emsworth, PO10 7AW**

Proposal: Change of use from vacant class A2 unit to mixed class A1/A3 coffee shop.

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

The Committee was addressed by the following deputees:

(1) Mr Millett, who, on behalf of the applicants supported the proposal for the following reasons:

- (a) The retail element of the high street would remain strong
- (b) The change of use is in line with Planning Policy
- (c) The property had remained empty for over a year and a change of use would allow for new retail opportunities which would add to the vitality and vibrancy of the area.
- (d) The signage for the proposed retailer would be sympathetic to the street scene.

(2) Councillor Creswell who supported the application for the following reasons:

- (e) The proposed change of use would be beneficial to the community and surrounding area.
- (f) The new retailer would add to the vibrancy of the area and fill an otherwise empty unit.
- (g) The retail element of the high street had suffered over the last 2 years and would need to grow to aid the regeneration of the area.

In response to a question raised by a member of the Committee, the officers advised that issues of market competitions and details of the retailer for the unit were not a matter for consideration.

The Committee discussed this application together with the views raised by the deputees. The Committee considered that the proposal would not be out of character with the street scene. The Committee also considered that the proposal would not have a detrimental impact on neighbouring businesses. It was therefore

RESOLVED that Application APP/14/01182 be granted permission subject to the conditions set out in the officer's report.

Proposal: Outline application with all matters reserved for demolition of existing buildings and redevelopment of site to erect up to 130No. apartments and 1126m<sup>2</sup> of ground floor commercial/retail space (Use Classes A1-A5 and B1(a)) and associated service access and 58 private residential basement parking spaces (indicative height of building between five and thirteen stories).

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 included:

- (a) Details of an update proposal
- (b) Details of additional representations received since the agenda was published
- (c) Details of updated recommendations
- (d) Information requested by the Site Viewing Working Party which detailed the Hampshire County Council Response to Traffic Consultations and the impact the Development would have on traffic management.

The Committee was advised by officers that the proposed designs were indicative and not a final approved design of the development.

The Committee was addressed by the following deputees:

- (1) Mr Comlay who objected to the proposal for the following reasons:
  - (a) There was a significant amount of opposition from members of the local community.
  - (b) The indicative plans by reason of height and bulk were not sympathetic to the character of the area.
  - (c) The Car Parking provisions were not sufficient to accommodate the large number of vehicles that would likely come with a high number of inhabitants.
  - (d) The proposed development would be in breach of the Local Development Order for Market Parade and would make further regeneration of the area difficult. Awaiting the completion of the LDO would be more beneficial to Market Parade.
- (2) Ms Buckley who objected to the proposal for the following reasons:

- (e) The proposal is out of character, bulky and overdevelopment of the site
  - (f) The proposal does not make any provisions for affordable housing.
  - (g) The proposal does not detail how the dwellings will be managed and maintained.
  - (h) The site plan will impact the conservation area to the east of the site.
- (3) Mr Pattenden who objected to the proposal for the following reasons:
- (i) The high number of inhabitants in a densely populated tower block would be detrimental to the quality of life of the residents.
  - (j) The high number of dwellings and additional retail units would overburden the highways and car parking facilities
  - (k) The work of the Local Development Order would provide a better basis for regeneration of the Town Centre. The proposal was premature.
- (4) Ms Cutts who spoke in support of the proposal for the following reasons:
- (l) Regeneration of the Market Parade Development site had proved problematic in the past; the proposal was sustainable development.
  - (m) Similar proposals had proved beneficial and successful in similar areas.
  - (n) The type of development targets a specific demographic whose needs are otherwise not met by the housing provisions in the local area.
  - (o) The proposal would add vibrancy and vitality to the area and work to the benefit of its regeneration.
  - (p) Environmental Benefits of the proposal include replacing an otherwise run down and empty unit with a more desirable unit.

- (5) Mr Adams supported the comments made by Ms Cutts and added that the development would be highly beneficial to the regeneration of the Market Parade area. He also added that the proposal would act as a catalyst for wider regeneration.

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

- (1) The applications was outline permission with all matters reserved and therefore the design was not final.
- (2) The proposal did fall within the Conservation area to the East of Market Parade due to a reappraisal of the Conservation area in 2007. This was to include the Star Public house which had since been demolished.
- (3) The Supplementary Planning Document on parking confirms that in Havant Town Centre which has a high transport sustainability could be appropriate for a zero car parking standard. The proposal had provided a 0.45 rate and subject to satisfactory conditions Hampshire County Council had raised no objection.

The Committee discussed this application in detail together with the views raised by the deputees. Although one member of the Committee expressed concern that the car parking provisions would have a detrimental impact on the highways, transport and car parking in the area, the majority of the Committee considered that the proposal was acceptable and would have beneficial impact on the regeneration of the area. It was therefore

RESOLVED that Application APP/15/00511 be granted permission subject to the following conditions:

- 1 The completion of a third-party viability assessment of the application to establish the scope of the development to make contributions towards affordable housing and sustainable transport measures;
- 2 The completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in a form satisfactory to the Solicitor to the Council to secure the following terms:

- (a) Occupancy of the development to be on the basis of a Private Rented Scheme model;
  - (b) Affordable housing contribution (subject to outcome of third-party viability assessment);
  - (c) Waste and servicing management plan to manage the timing of deliveries and refuse collection;
  - (d) Sustainable Transport Contribution (subject to outcome of third-party viability assessment)
  - (e) Commitment to provide funding on request for a Traffic Regulation Order to manage any overspill parking in the town centre;
  - (f) Progression of a Traffic Regulation Order to remove on-street parking to accommodate the site access and associated visibility splays;
  - (g) Provision of a Full Travel Plan with monitoring fees, approval fees and bond;
  - (h) Employment and Skills Plan (or contribution equivalent) in respect of build phase;
  - (i) Mitigation package in the form of a contribution to the Solent Recreation Mitigation Project, as set out in paragraph 7.38 of the officer's report.
- 3 Application for approval of reserved matters must be made not later than the expiration of one year beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
- (a) The expiration of three years from the date of this permission; or
  - (b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The approval of the Local Planning Authority shall be obtained in respect of the following reserved matters before the development first takes place - the access; appearance; landscaping; layout; and scale.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, the apartments hereby approved shall be designed such as to achieve the minimum space standards as set out in the Department for Communities and Local Government 'Technical housing standards - nationally described space standard' (March 2015).

Reason: To deliver high quality development as part of this high density scheme, and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 A Building Research Establishment Environmental Assessment Method (BREEAM) pre-assessment estimator shall form part of the reserved matters submission for the development hereby permitted. The pre-assessment estimator shall demonstrate that the development will attain a minimum BREEAM level of 'very good'. Prior to the first occupation of the development, a post-construction BREEAM assessment and certificate, demonstrating that the 'very good' level has been achieved, shall be submitted to, and approved by, the local planning authority unless otherwise agreed in writing.

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

- 7 No development hereby permitted shall commence until plans and particulars specifying the alignment, width, gradient and type of construction proposed for all individual accesses thereto (including all relevant horizontal cross and longitudinal sections and sight lines) have been submitted to and approved in writing by the Local Planning Authority. The implementation of the same shall be completed in full accordance with such plans and particulars as are thus approved by the Authority.



Reason: To ensure that they are constructed to satisfactory standard 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.

- 8 No part of the development hereby approved shall be brought into use or occupied until the approved access and any proposed crossing of the highway verge and footway have been laid out and constructed in accordance with the details approved by the Local Planning Authority.

Reason: In the interests of highway safety and having due regard to Policies CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of amenity and highway safety and having due regard to Policies CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Planning Authority. This assessment shall take the form of trial trenching across the site.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets; and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 11 No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 12 Following completion of archaeological fieldwork a report shall be produced in accordance with a programme to be first agreed in writing with the Local Planning Authority, including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to knowledge and understanding of the past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available, and having regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 13 The development shall proceed in accordance with the ecological enhancement measures detailed within the submitted Extended Phase 1 Habitat Survey (EcoSupport, June 2015) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect, maintain and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981, National Planning Policy Framework 2012, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 14 Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to secure satisfactory foul water disposal from the site, and having due regard to Policies CS15 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 15 Infiltration systems for surface water disposal shall not be used for this development. Prior to the commencement of development, details of the proposed means of surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water, the Local Lead Flood Authority and Portsmouth Water. The approved details shall include a schedule of operational and preventative maintenance for surface water drainage structures, pumps, or separators required for either a) the proper operation of the system to its design flow rates, or b) for the effective retention of pollutants to prevent downstream release. Parties responsible for observing the maintenance plan shall be clearly identified within the plan, and the plan shall be implemented as approved.

Reason: The site lies within the groundwater Source Protection Zone 1c for the Havant and Bedhampton Springs, a critical public drinking water supply. Drinking water supplies are at risk from any pollutants which enter the ground, including increased turbidity. Furthermore the approved outline drainage strategy includes critical infrastructure that requires regular maintenance to ensure its effective operation (to prevent flooding &/or downstream pollution). It will therefore need to be demonstrated that the surface water drainage scheme will protect groundwater and drinking water supplies in accordance with National Planning Policy Framework paragraph 109. and Havant Borough Local Plan (Core Strategy) 2011 policy DM10.

- 16 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), an assessment of the risks associated with the proposed means of undertaking groundworks and construction shall be submitted to and approved in writing by the Local Planning Authority in consultation with Portsmouth Water. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) An assessment of the local geological succession, sufficient to determine whether the principal aquifer (Source Protection Zone 1c) falls within the likely vertical range of proposed excavations or foundations (including piling);

- 2) The result of an appropriate assessment of risks based upon (1) in relation to proposed construction depths, methods & materials. Where potentially unacceptable risks are identified, a risk-based appraisal of construction method options and clearly defined proposals for mitigation of the identified risks;
- 3) Contractors method statement(s) in accordance with mitigation proposals (2); and
- 4) Where deemed necessary, a scheme to appropriately monitor the impact of construction activity upon groundwater and/or surface waters, including details in respect of necessary stakeholder liaison.

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

Reason: The site lies within the groundwater Source Protection Zone 1c for the Havant and Bedhampton Springs, a critical public drinking water supply. Deep excavations, boring, piling or any other foundations using penetrative methods can result in risks to potable supplies both from turbidity, and by creating migration pathways for pollutants &/or contaminants. It must therefore be demonstrated that the proposed construction methods will not result in any unacceptable adverse impacts upon controlled waters. The condition is imposed having due regard to Havant Borough Local Plan (Core Strategy) 2011 policy DM10 and the National Planning Policy Framework 2012.

- 17 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 and notwithstanding any assessment provided with the planning application), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) A site investigation based on The Soils Ltd. Phase 1 Desk Study Ref: 14981/DS (June 2015); to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all receptors that may be affected, including those off site.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- (a) appropriately considered remedial objectives;
- (b) an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- (c) clearly defined proposals for mitigation of the identified risks.

3) 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 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: The site lies within the groundwater Source Protection Zone 1c for the Havant and Bedhampton Springs, a critical public drinking water supply. Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, contamination may be present at or in the immediate vicinity of the site as a result of both previous & current land uses (&/or activities) that could pose a risk to controlled waters.

- 18 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 14 above shall be 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. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”). The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The site lies within the groundwater Source Protection Zone 1c for the Havant and Bedhampton Springs, a critical public drinking water supply. Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, contamination may be present at or in the immediate vicinity of the site as a result of both previous & current land uses (&/or activities) that could pose a risk to controlled waters.

Cllr Terry Hart requested that his vote against the proposal be noted.

**The meeting commenced at 5.00 pm and concluded at 7.20 pm**

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**Chairman**