

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 7 December 2017

Present

Councillor Buckley (Chairman)

Councillors Bowerman (Standing Deputy), Buckley, Hughes, Keast, Patrick, Perry and Guest (Standing Deputy)

Other Councillors Present:

Councillor(s): Wilson, Satchwell, Davis, Fairhurst and Quantrill

77 Appointment of Chairman

RESOLVED that Cllr Paul Buckley be appointed as Chairman for the meeting.

78 Apologies for Absence

Apologies for absence were received from Cllr Clare Satchwell and Cllr Dianne Lloyd.

79 Minutes

RESOLVED that the Minutes of the last meeting of the Development Management Committee held on the 9th November be approved as a correct record and signed by the Chairman.

80 Site Viewing Working Party Minutes

RESOLVED that the Minutes of the Site Viewing Working Party held on the 30th November be approved as a correct record.

81 Declarations of Interest

Cllr John Perry advised that although he was a local resident of Hayling Island, he was not biased or predetermined regarding application APP/17/00656.

82 Chairman's Report

The Chairman advised the following points:

- The Local Plan 2036 Consultation was being considered by the Cabinet on 18th December. The consultation period would start on the 8th January 2018 and finish on the 16th February.
- Steven Weaver, Development Management Manager, would be seconded to a post at Waverly District Council for a period of 6 months from January 2018.
- A Development Consultation Forum would be taking place on the 18th January regarding Westwood Close in Emsworth.
- As part of the Member Development Plan, more training sessions would be arranged for members of the Development Management Committee. The Chairman encouraged all to attend these sessions where possible.
- The applicant for APP/17/00656 had delivered information packages to each member of the Development Management Committee, however committee members were reminded that the information in this pack was unverified and would not bear any weight to the decision of the committee when considering the application.

83 Matters to be Considered for Site Viewing and Deferment

There were none.

84 Deputations

The following deputation requests were noted by the committee:

- (1) Mr Robert Radford – APP/17/00656, Land South of, Manor Road, Hayling Island
- (2) Mr James Mitchell – APP/17/00656, Land South of, Manor Road, Hayling Island
- (3) Cllr Lance Quantrill – APP/17/00656, Land South of, Manor Road, Hayling Island
- (4) Cllr Clare Satchwell – APP/17/00656, Land South of, Manor Road, Hayling Island
- (5) Cllr Andrew Lenaghan – APP/17/00656, Land South of, Manor Road, Hayling Island
- (6) Cllr Michael Wilson – APP/17/00656, Land South of, Manor Road, Hayling Island

85 APP/17/01096 - 11 Wade Court Road, Havant, PO9 2SU

The Committee considered the written report and recommendation from the Head of Planning Services to grant permission.

In response to questions raised by the committee, officers advised that if it had the application not been submitted by a Havant Borough Councillor, it would have been permitted under officer's delegated authority.

The Committee discussed that application together and agreed that the proposal was acceptable in planning terms and could find no reasons for refusal. It was therefore

RESOLVED that the Head of Planning Services be authorised to grant permission for application APP/101096 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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:

Site Location Plan
Floor Plans and Elevations Drawing No FAIRHURSTPO92SU/01
Proposed Block Plan B2
Reason: - To ensure provision of a satisfactory development.
- 3 Unless otherwise agreed in writing with the Local Planning Authority, at all times during which the approved garage is in place at the site the existing hedge along the western boundary of the site shall be retained to a minimum height of 1.8 metres and to a standard consistent with good arboricultural practice.
Reason: To accord with the terms of the application submitted, to ensure the maintenance of screening to the site and to protect the appearance and character of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

86 APP/17/00656 - Land South of, Manor Road, Hayling Island

The Committee considered the written report and recommendation from the Head of Planning Services to grant permission.

The Committee was addressed by the following deputies:

(1) Mr James Mitchell, who supported the Officer's recommendation for the following reasons:

- a. The proposal was sympathetic to the character of the area by way of its size, design and landscaping features. This had been achieved by reducing the height of the building to single storey and using materials with a natural appearance.
- b. The Landscaping proposals included planting new trees and flora, further adding to the screening and sympathetic design of the proposal
- c. The proposal provided choice, convenience and quality services for local residents.
- d. If approved there would be a significant positive impact on the local economy of Hayling Island, as it would result in a £6m investment and creation of 40 local jobs.
- e. More local facilities for the residents of Hayling Island would create a significant decrease in pressures faced by the Highway network as a high number of residents would be able to shop more locally.
- f. There was significant public support to the proposals and it was perceived that the majority of local residents were in favour of the proposal.

In response to questions raised by the committee, the deputy advised that:

- Solar PV panels were not a viable option for the building, however the proposal included other renewable energy efficiency measures.
- The bike store was situated in a position that was deemed the most safe, convenient and complimentary for customers.

(2) County Councillor Lance Quantrill, who objected to the Officer's recommendation for the following reasons:

- g. The Site had considerable historical social value
- h. The figures quoted in the officer's report and by the applicant regarding public support for the proposal were inaccurate and should not be considered valid
- i. The applicant should seek to develop brown field sites and as this was green field it was inappropriate for development

- (3) Councillor Clare Satchwell, who supported the Officer's recommendation for the following reasons:

As set out in appendix A attached to these minutes

- (4) Councillor Andrew Lenaghan, who supported the Officer's recommendation for the following reasons:

- j. There had been a significant level of support from members of the public regarding the proposal.
- k. While the site had environmental value, the retention of the green features within the landscaping proposal meant it was still acceptable in planning terms
- l. The convenience and local choice for residents was of great importance
- m. If approved the proposal would ease pressures faced by the highway network in the local area.

- (5) Councillor Michael Wilson, who objected to the Officer's recommendation for the following reasons:

As set out in Appendix B, attached to these minutes.

In response to questions from the committee, Cllr Wilson advised that:

- He did not oppose the principle of a Lidl store being built on Hayling Island, however a development of this nature so far away of the existing commercial centres would have a detrimental impact
- The proposal was unsustainable as the cycle rack was not fit for purpose, there were no proposed additional bus stops and the car parking provision was 30 spaces under minimum standard

The meeting was adjourned at 18.25 and reconvened at 18.30

In response to questions from the committee, officers advised the following:

- While the site location was outside the settlement policy boundary, no other acceptable sites had been identified and the proposal had passed the sequential test. Therefore it was deemed acceptable.
- Detail of how the SUDs system operated.
- The parking provision was acceptable for the population catchment of the local area.

- If approved, a delivery vehicle management plan would be submitted to the Council as outlined in the conditions.
- The Highway Authority had raised no objection over the proposed public access to the site from Manor Road.

The Committee considered the Application in detail together, with the views raised by the Deputies.

The committee agreed that the proposal would have an impact on the nearby shopping centres on Hayling Island, however this was considered to be economically positive as it would provide competition and choice for local residents. It was also discussed that the convenience of the site was likely to alleviate pressure faced by the highway infrastructure as it would diminish the number of residents using facilities on the mainland and therefore reduce the number of vehicles using the roads.

It was also considered that the quality and low-cost products on offer would have a positive impact on residents, in addition to providing much needed investment and regeneration to the area. It was therefore

RESOLVED that the Head of Planning Services be Authorised to Grant Permission for Application APP/17/00656, subject to:

- (a) a satisfactory Section 106 Agreement as set out in paragraph 7 and,
- (b) the following conditions (and any others that the Head of Planning considers necessary to impose prior to the issuing of the decision):
 - 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 - Plans**
 - 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Soft Landscaping Proposal PR-011 Rev G
Preliminary Ecological Appraisal (October 2016, The Ecology Partnership)
AAJ5079 / PR-012 - Typical Tree Pit Details (RPS Group plc)
AAJ5079 - Landscape Management and Maintenance plan (RPS Group plc)
Preliminary Ecological Appraisal (The Ecology Partnership, June 2017) and The Ecology Partnership – Solent Waders & Brent Goose Strategy addendum dated 5th June 2017
Arboricultural Assessment and Method statement – JSL2697_775A
Design and access statement
Lighting Statement – Prepared by Philips reference D-

199007/0244075686

Proposed lighting layout Drawing number 0244075656 Rev:D

Noise Impact Assessment – Reference: 6586/PP/pw – March 2017

Planning Statement – June 2017

Retail Statement – LIDW3001 – June 2017

Ventilation and extraction statement

Landscape and Visual Impact Assessment – by RPS – JSL2697_171 dated July 2017

Flood Risk Assessment and SUDS report – Ref: 15045-01-FRA
Revision B

Transport Assessment – Transport Assessment Review - Technical Note JNY9067-03 dated 11 October 2017

Travel Plan – Lidl Store, Manor Road, Hayling Island – August 2017 produced by Arcadis

Hayling Island Travel Plan – Updates following HCC Highway comments

Site plan – Drawing number 3671 02 Rev: U

Proposed elevations – Drawing Number: 3671 05 Rev: N

Surface Dressing plan- Drawing Number 3671 06 Q

Roof plan – Drawing number 3671 07 Q

Site location plan 3671 08 Rev A

Street scene elevation – Drawing number: 3671 09

Proposed Access Arrangement Ghost Island Right Turn Option Drawing number JNY9067-06 Rev B

Reason: - To ensure provision of a satisfactory development.

Site management during construction

- 3 No development shall take place until a Construction Traffic Management Plan plans and particulars specifying the following matters has been submitted to and approved in writing by the Local Planning Authority:

The provision to be made within the site for:

- (i) construction traffic access
- (ii) the turning of delivery vehicles
- (iii) provisions for removing mud from vehicles
- (iv) the contractors' vehicle parking during site clearance and construction of the development;
- (v) a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such.

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.

Archaeology

- 4 Unless otherwise agreed in writing with the Local Planning Authority, the applicant shall secure all of the following matters in relation to potential archaeology on the site:

(1) 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 (WSI) that has been submitted to and approved in writing by the Local Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist on the site. The assessment shall take the form of trial trenching within should take the form of trial trenching located within the footprint of the proposed foodstore, access roads and associated car park

(2) If the results of the evaluation are deemed significant by the Local Planning Authority, then a programme of archaeological mitigation of impact, based on the results of the trial trenching, shall be carried out in accordance with a further Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority prior to development taking place.

(3) Following the completion of all archaeological fieldwork, a report shall be produced in accordance with an approved programme including, where appropriate, a post-excavation assessment consisting of specialist analysis and reports together with a programme of publication and public engagement.

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, in accordance with policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011.

Levels

- 5 Notwithstanding the submitted details no development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

Materials

- 6 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory

and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Landscaping

- 7 All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information, including maintenance arrangements including drawing numbers:
Soft Landscape Proposals PR-011 Rev G by RPS, Preliminary Ecological Appraisal (October 2016, The Ecology Partnership) AAJ5079 / PR-012 - Typical Tree Pit Details (RPS Group plc)
AAJ5079 - Landscape Management and Maintenance plan (RPS Group plc)
3671 06 Rev Q – Surface dressing plan
The landscaping works shall be completed within the first planting season following completion of building operations / first use of the food store (whichever occurs first). Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policy CS16 of the Havant Borough Core Strategy March 2011.

Ecology

- 8 Prior to the commencement of development works a detailed Ecological Mitigation and Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. This shall include, but not be restricted to: details of all details of habitat management measures; details of measures to avoid harm to protected species, including lighting; details of ecological enhancement measures for the remainder of the application site. All mitigation and enhancement features shall be permanently retained and maintained.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS11 of the Havant Borough Core Strategy 2011.

Trees

- 9 Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan 700 Rev A and supported by the tree report reference JSL2410_775 by RPS dated 1st June 2017. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or

fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policy CS16, of the Havant Borough Core Strategy 2011.

- 10 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the) numbered plan 700 Rev A and supported by the tree report reference JSL2410_775by RPS dated 1st June 2017 prepared by Chris Chambers shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Tree Protection Plan drawing number 701 (telephone 023 92 446525). No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey.
- Reason:** To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policy CS16, of the Havant Borough Core Strategy 2011.

11 **Flooding**

The development permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (24/03/2017) and the following mitigation measures detailed within the FRA:

1. The finished floor level of the retail unit is to be set no lower than 4.600m AOD as specified within Paragraph 6.1 of the FRA.
2. The car park surface is set no closer than 6.6m away from the Church Road drain watercourse, as specified within drawing 14501-01-DR01 within Appendix VII of the FRA.
3. The additional flood storage basin proposed in Paragraph 7.4 of the FRA is implemented and maintained.

The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements within the scheme Flood Risk Assessment (FRA) (24/03/2017), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding from blockages to the existing culvert, and to reduce the risk of flooding to the proposed development and future occupants. This condition is required in with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Council Core Strategy 2011.

Highway works

- 12 The store hereby permitted shall not open until such time as the highway works associated with the works to Manor Road as shown on plan Proposed Access Arrangement Ghost Island Right Turn Option – Drawing Number: JNY9067-06 Rev: B have been completed to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority. (Note: These off-site highway works are also to be secured through a Section 106 legal agreement).
Reason: To ensure that the agreed highway enhancements works are provided before the store hereby approved is opened, in order to ensure that customers have sustainable alternative modes of transport, having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
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The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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.

Public Art

- 14 The store hereby permitted shall not open until full details of the proposed local/public art installations, outlined on plan – Elevations as proposed 3671 05 Rev: N have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Use as a Hard Discount Store

- 15 The store hereby permitted shall only be used for a hard discount food store. This is defined as a store which is characterised by; discounted food products and non-food ranges promoted through "weekly specials", dominance of private or "exclusive" labels, selling a limited range of products (less than 3,500 product lines which can be demonstrated through the availability of stock keeping records as requested), significantly cheaper products in terms of average price than all other multiple food retailers. No use other than a hard discount food store as outlined above shall occupy the premises unless an express planning permission for an alternative use is granted by the Local Planning Authority.
Reason: In the interest of preserving the vitality and viability of neighbouring District Centres in accordance with the NPPF and policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011

Control over use

- 16 Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) England) Order 2015 (or any Order revoking and re-enacting that Order), the discount food store hereby approved shall only have a maximum of twenty five percent (25%) of the total floor space used for the sale of the following goods:
- i) Clothing and footwear, fashion accessories including handbags and luggage, watches and jewellery;
 - ii) Pharmaceutical and personal care products (including perfumes, toiletries, spectacles and contact lenses;
 - iii) Books, music records and CDs, DVDs and other recorded media; and
 - iv) Toys
- Reason:** In the interest of preserving the vitality and viability of neighbouring District Centres in accordance with the NPPF and policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.
- 17 Notwithstanding the provisions of Part 7, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) order 2015 (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.
- Reason:** In the interest of preserving the vitality and viability of neighbouring District Centres in accordance with the NPPF and policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.
- BREEAM**
- 18 Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason:** To ensure the development contributes to sustainable construction in accordance with policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.
- 19 Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.
- Reason:** To ensure the development contributes to sustainable construction in accordance with policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

20 Cycle safety

The store hereby permitted shall not open until full details of the measures to ensure the safety of users of the proposed cycle storage, including CCTV, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

87 Appointment of Chairman

RESOLVED that Cllr Clare Satchwell be appointed as Chairman for the next meeting of the Development Management Committee.

The meeting commenced at 5.00 pm and concluded at 6.55 pm

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Chairman