

HAVANT BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE 09 JANUARY 2020

Update sheet re APP/19/00279 – 50-56 Creek Road, Hayling Island, PO11 9RE

The Officer Report produced for the Committee previously scheduled for the 16th December 2019 is updated as follows:

Reason for Committee Consideration:

At the request of Councillor Leah Turner

3. Proposal

Additional information has been requested from the planning agent and the issues raised and the responses received are set out below:

1. *Concerns have been raised in relation to the overhang to the private parking court to the south. Please can you confirm the extent of the overhang on the current drawings of the side wall and the roof. If consent is not provided by the adjacent owners how would this be addressed. Please confirm the currently proposed first floor materials and the alternative first floor material that would avoid overhanging.*

As the construction, and in particular the foundations, of the current building are unknown at this time, the presumption is that the upper floor will be of a timber frame construction, clad in tiles to reduce loading. As is normal the bottom line of tiles would kick out to avoid water running down the walls.

Officer Comment: *The details of materials would be controlled by condition.*

2. *In relation to the construction phase, please confirm whether construction could take place without encroachment over the car park (for example by scaffolding). If so what would the method of construction be?*

Encroachment onto adjoining land would be kept to a minimum. As it is not my clients intention to commence immediately negotiations with regard to scaffolding etc have not yet been held. Options such as cantilevering the scaffolding and building over-hand may have to be considered.

Officer Comment: *The construction phase requirements would be a matter for the parties.*

3. *Private rights concerns are highlighted by third parties in the Committee Report. Please confirm whether the applicants rights would allow for the rear two residents car parking spaces to be accessed across the private car park. The rights beyond those to access the shop have been questioned.*

I attach copies of the Title Deeds which show the applicant has rights to access the rear of the property.

Officer Comment: *The details of land rights are primarily a private legal matter between the parties.*

Outcome of the Site Viewing Working Party visit held on 5th December 2019

Information requested:

The Site Viewing Working Party requested details of the relative heights of the proposed building in relation to the surrounding properties. Outline sections to show 58 Creek Road, the new development at 50-56 Creek Road and Kittiwake Row together with a section to include the application proposal and the property to the rear 6 Guillemot Place with the intervening building have therefore been requested.

The planning agent has advised that the relative height of the new build and the adjoining properties should be provided early in the New Year. Members will be updated in due course.

5. Statutory and Non Statutory Consultations

Building Control

Location of solid waste storage provisions not shown

Means of escape compliance with Approved Document B can be achieved

Building Regulation application will be required for this work

Officer Comment: *A condition is recommended in relation to bin storage.*

6. Community Involvement

6.1 Objections:

Members are advised that the representations made in relation to the proposed development are available to view in full on the Council's Website. Detailed below is one further objection received and officer comments in relation to the previous summary of objections.

One further objection received:

Representation received from tenant of the workshop, land to north side and rear of proposed site. States his Father is managing director of Loyal Manor Properties Ltd the company that owns the unit and access drive. Comments made from tenant as follows:

No permission for proposed development sought and we note the proposed development overhangs our land to north and east elevations. We do not give our consent for proposal which may not be constructed as per the plans.

Concerned that currently my access is blocked at least once a day by customers for shop and lorries making deliveries, this will get worse with less parking available.

Parking allocated for flats is used by staff for the shop so that leaves no parking for staff or visitors to the flats, this is not acceptable.

Two storey development is out of keeping with the area and will be oppressive and overlook my land blocking light.

No garden area or anywhere for children to play anywhere or hang out washing etc.

Scaffolding required to build would need to be built on my land significantly restricting my ability to run my business and a significant risk of damage to my vehicles. Proposal assuming access to my drainage as well.

Serious planning issues with the development which will have a negative impact on a lot of people as shown by No. of objections. I am worried about the negative implications this will have on me being able to operate my business and earn a living going forward.

Officer Comments: *Private rights are a matter for the parties concerned and construction phase impacts are considered in the Committee Report Part 7 (iii) paragraphs 7.28-7.30. The development retains access to the north of the building and to the workshop unit. Parking issues are addressed in the Committee report in part 7 (iv). The workshop building would continue to be accessible and the application site excludes the area outside the workshop. The proposed flats are considered to provide acceptable amenities for future residents. In procedural terms, the requisite notice has been served on the workshop building and a revised Certificate B submitted with the application.*

Update to previous objections with officer comments:

Character and appearance of the area

- Adds to empty properties
- Unpleasant view
- Out of keeping
- Concern at look of rear of shops
- Out of Character

Officer comments:

The impacts of the development on the character and appearance of the area are considered in part 7 (ii) of the Committee Report (paragraphs 7.6-7.15). In terms of the risk of empty properties, this is a risk for the developer and is likely to be related to the price that the flats are marketed at.

Overlooking/Overbearing

- Overlooking to property and garden
- Loss of privacy
- Human right to enjoy house and garden in privacy
- Too big
- Loss of outlook
- Overbearing / oppressive to living environment
- Security
- Direct views from proposed windows
- Equivalent to two extra floors

Officer Comment: *Impacts upon residential amenity/Human Rights are considered in detail in part 7 (iii) of the Committee Report. This includes considerations of overbearing/height mass and bulk issues (paragraph 7.18), potential overlooking (paragraph 7.19), Human Rights (paragraphs 7.31-7.37). In relation to security, the site is enclosed by walls and fences to the rear and side and the enclosure of the staircase has reduced concerns regarding anti-social behaviour and overlooking.*

Impacts on light

- Loss of light
- Overshadowing
- Effect on daylight
- Loss of sunshine
- Outlook of skyline

Officer Comment: *The impacts on light are considered in part 7 (iii) of the Committee Report (paragraph 7.20)*

Parking/Traffic

- What is the parking provision for flats?
- Parking worse
- Deliveries to shop impacts
- Narrow road
- Highway safety
- Volume of traffic
- Disturbance
- Concern at parking to rear
- Extension to shop concerns re parking
- Concern at possible holiday let use
- Concern at use of access across private car park
- Parking across car park entrance, on double yellow lines and across drives
- Road congestion
- Parking on pavement
- Inadequate parking
- Garage/workshop relationship and parking
- Hours of shop opening
- Traffic on Island

Officer Comment: *Highways and traffic impacts are considered in the Committee Report part 7 (iv) paragraphs 7.38-7.46. The parking proposed and its distribution between retail and residential use is detailed together with the relationship to parking standards and nearby parking. It is not considered that the impact of this development on the wider highway network would be significant and would not justify a refusal of planning permission.*

Comments in relation to site history

- Four derelict shops to one large store
- Concerns re shop use and impact from deliveries
- Building work impacts from shop alterations

Officer Comment: *The planning history is provided in Part 2 of the Committee Report. Paragraph 7.43 relates to deliveries and their impact.*

Noise

- Ventilator or extraction fan concerns

- Long shop opening hours and residential use increases noise at all times
- Noise from rear parking bays
- Noise from staircase use
- Traffic across car park noise

Officer Comment: *Noise impacts are assessed in the Committee Report at Part 7 (iii) paragraphs 7.21 – 7.27. A condition is recommended in relation to extract vents/chiller units, air conditioning or other noise making equipment is recommended. It should be noted that the staircase is now internal rather than external reducing noise impacts from its use.*

Views

- Loss of view
- Restrict views over Chichester Harbour and Trees in Creek Road

Officer Comment: *The loss of a view is not a material planning consideration that can be taken into account in the determination of the application.*

Construction phase concerns

- Construction works excessive
- Scaffolding on private parking bays unlikely to be granted
- Noise and disruption
- Concerns over previous construction works and hours of work
- Potential damage and impacts to cars in private car park
- Health and Safety concerns
- Fumes and dust
- Construction vehicles impact

Officer Comment: *Construction phase impacts are temporary by their nature and would not be a reason to refuse this planning application. It is recommended that a condition in relation to construction vehicle parking and material storage is imposed to seek to reduce impacts. In relation to scaffolding and private land ownership this would be a private legal matter between the relevant parties. It is noted that the planning agent has provided comments in relation to the construction phase (see above). If unsociable hours of construction or excessive noise were to occur in the construction phase this would be a matter for consideration by the Councils Environmental Health team. It would be a matter for the applicant/developer to ensure that the construction work is carried out in a safe manner.*

Other Matters

- Bin storage
- Concern over existing building and condition of site
- Concern over safe access to flats
- Concern over works on site pre-empting decision
- Issues in relation to first floor addition
- Property values
- Impact on Human Rights
- Flats remain unsold in area
- Infrastructure impacts
- Sewage concerns

- Nutrients
- Concerns regarding how the Council will determine application
- Concern at previous work on site
- Better locations for flats to be provided

Officer Comment:

A condition is recommended in relation to bin storage details.

The site is considered to be in an acceptable condition.

The access to the flats is across the adjacent small private car park to the south which has low traffic speeds and is considered acceptable see also paragraph 7.44 of the Committee Report.

Any works that have taken place in advance of planning permission were not considered to require consent and were carried out at the applicants risk.

Possible impacts on property values are not a material planning consideration.

Impacts on Human Rights are considered in paragraphs 7.31-7.37.

Impacts on infrastructure for this scale of development are considered limited and acceptable. CIL contributions would be secured together with SRMS contributions.

Consent from Southern Water would be required to connect to the mains sewers.

Nutrient impacts are addressed in the Committee Report and a Habitat Regulations Assessment and Appropriate Assessment have been carried out in consultation with Natural England and appropriate mitigation secured with a Grampian condition.

The application will be considered by the Development Management Committee and determination will need to be in accordance with the Councils Constitution.

Ownership and rights

- Impact of stairway on common right of way
- Concerns regarding impact on private car park
- Access rights across car park
- Construction vehicles/materials not on private car park
- Possible covenant

Officer Comment: *The impact on private rights is primarily a matter for the relevant parties and is considered in relation to the private car park and access over it in paragraphs 7.27, 7.29 and 7.39 of the report. The position of the staircase would still allow vehicular access around the application building. Construction parking and material storage is subject to a recommended condition.*

7. Planning considerations

(vi) Developers Contributions

7.48 The updated CIL contribution £23,558.93

9. Recommendation

The recommendation remains that the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00279 subject to the conditions set out in the officer's report.