

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 30 May 2013

Present Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), , Smith D, Turner, Cheshire and Guest

220. Apologies for Absence

Apologies for absence were received from Councillors Hilton and J Smith.

221. Minutes

Resolved that:

- (a) the minutes of the meetings of the Development Management Committee held on 25 April and 9 May 2013 be approved as a true record and signed by the Chairman; and
- (b) the minutes of the Site Viewing Working Party held on 23 May 2013 be received.

222. Matters Arising

There were no matters arising.

223. Declarations of Interest

There were no declarations of interests.

224. Chairman's Report

The Chairman reported that:

- (a) the Planning Inquiry into the proposed development of land at Goldring Close would resume on 6 June 2013 at 10am in the Council Chamber;
- (b) the Planning Inquiry relating to land at The Kench, Hayling Island would commence on 3 June 2013 at The Beacon, 69 – 73 The Meridian Centre, Havant; and
- (c) details of the Planning Summer School for 2013

225. Adoption of Deputation Procedure

The Committee considered a report by the Democratic Services Officer which set out a proposed deputation procedure.

RESOLVED that the deputation procedure as set out in the Appendix to these minutes be adopted.

226. Matters to be Considered for Site Viewing and Deferment

Planning Application APP/12/00913 – 80-82 Bedhampton Road, Havant

(This site was viewed by the Site Viewing Working Party)

Councillor D Smith gave notice that he had formed a conclusive view on this application and would make a deputation on this application. Councillor Smith sat in the public gallery during the presentation and deputations and left the meeting room after making his deputation.

Proposal: Construction of 2No. pairs of 3 bed semi-detached houses with integral garages and access from Beaufort Road; following demolition of 82 Bedhampton Road.

The Committee considered the written report of the Executive Head of Planning and Built Environment.

The Committee was addressed by the following deputees:

- (1) Mr Collins, who, on behalf of the Beaufort Road and Bedhampton Road Residents' Associations, objected to the proposal for the following reasons:
 - (a) the additional traffic likely to be generated by this proposal would exacerbate the existing traffic problems caused by inconsiderate parking in Beaufort Road;
 - (b) the lack of visitor parking provision for the proposed development would encourage the parking of vehicles in Beaufort Road which would exacerbate the existing traffic problems in Beaufort Road caused by inconsiderate parking;
 - (c) the development would result in the loss of parking space for 80 Bedhampton Road, which was the requirement of an extant planning condition;
 - (d) the report had not addressed the current parking problems experienced by residents in the road as a result of parents of pupils of nearby schools using the road as a drop off area.
- (2) Mr Hartley, the applicant who supported the application for the following reasons:
 - (e) the proposed development was in close proximity to bus and rail services and local shops;
 - (f) the proposed development had been the subject of extensive consultation with the officers;

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- (g) the proposal was designed to accommodate a wide range of people.
- (3) County Councillor Mrs Fairhurst, who raised the following issues:
- (h) Beaufort Road had experienced problems caused by inconsiderate parking by parents of pupils at nearby schools which had resulted in the police having to attend on a number of occasions;
 - (i) the Site Viewing Working Party should have visited the site during the school leaving period so as to properly assess the traffic problems experienced in the area;
 - (j) the Committee should take into account the living conditions of existing residents when determining this application;
- (4) Councillor D Smith raised the following issues:
- (k) discussions with local residents revealed that the use of the cul de sac as a drop off/pick area by parents of schools in nearby schools has led to disruption and disputes between parents and local residents. The introduction of parking restrictions outside St Thomas Moore School had recently led to an increase in parking in this cul de sac. The proposal would exacerbate the current traffic problems;
 - (l) the road was in a poor condition and would deteriorate further if the road was used by construction vehicles;
 - (m) the residents had no objection to the development, if the access was off Bedhampton Road; and
 - (n) the Site Viewing Working Party should view the site again during the school leaving period.

(Councillor D Smith was requested by the Chairman to remove photographs he circulated to the Committee prior to his deputation)

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

- (A) the density of the development had not been calculated: the National Planning Policy encouraged the efficient use of and which was in an accessible location;
- (B) although a representation had referred to the police being involved in disputes regarding inconsiderate parking in the cul de sac, no evidence had been provided to support the statement;

- (C) the Crime Prevention Officer had been consulted and had raised no objections subject measures to improve the boundary treatments and lighting;
- (D) it appeared that although the road was not maintainable at the public expense, highway rights had been established by uninterrupted usage of Beaufort Road over the years; Beaufort Road was therefore a public highway which could not be gated;
- (E) provided the owners of the road consented and the road surface was satisfactory, waiting restrictions could be introduced in the road;
- (F) the costs that would be apportioned to frontagers, if the County Council made up the road to an adoptable standard was set out in the Private Street Works Code

In view of the issues raised by the deputees regarding the traffic problems experienced in Beaufort Road and the status of the road it was:

RESOLVED that consideration of Application APP/12/00913 be deferred to enable:

- (i) the officers to identify if St Thomas Moore, Bidbury Infant and Bidbury Junior Schools had travel plans;
- (ii) the highway status of Beaufort Road to be clarified;
- (iii) the officers to discuss with the applicant the possibility of the applicant making a contribution towards improving the condition of Beaufort Road; and
- (iv) the Site Viewing Working Party to visit the proposed access to the site during the school leaving period and the existing access to the site.

227. Deputations

The Committee received the following deputations/representations:

- (1) Mr Last (objector) - Case Number 11/13/00279 – 28 Bath Road, Emsworth (Minute)
- (2) Mrs Alston (applicant) - Case Number 11/13/00279 – 28 Bath Road, Emsworth (Minute)
- (3) Councillor Gibb-Gray (ward councillor) - Case Number 11/13/00279 – 28 Bath Road, Emsworth (Minute)
- (4) Councillor Galloway (ward councillor) - Case Number 11/13/00279 – 28 Bath Road, Emsworth (Minute)
- (5) Councillor Mackey (ward councillor) - Case Number 11/13/00279 – 28 Bath Road, Emsworth (Minute)

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- (6) Mr Barrow – Application APP/13/00228 – Land Adjacent to 8 Westbourne Close, Emsworth (Minute)
- (7) Councillor Galloway (ward councillor) - Land Adjacent to 8 Westbourne Close, Emsworth (Minute)
- (8) Mr Woodhams (objector) - Application APP/13/00336 – Land Rear of 38-40 Long Copse Lane, Emsworth (Minute)
- (9) Mrs Vincent (objector) – Application APP/13/00336 – Land Rear of 38-40 Long Copse Lane, Emsworth (Minute)
- (10) Mr Miller (applicant) – Application APP/13/00366 – Land Rear of 38-40 Long Copse lane, Emsworth (Minute)
- (11) Councillor Gibb-Gray – Application APP/13/00366 – Land Rear of 38-40 Long Copse Lane, Emsworth (Minute)
- (12) Councillor Bolton (councillor) – Application APP/13/00366 – Land Rear of 38-40 Long Copse, Emsworth (Minute)
- (13) Mrs Bridle (objector) – Application APP/13/00147 – 341 Milton Road, Cowplain (Minute)
- (14) Mr Uddin (applicant) – Application APP/13/00147 – 341 Milton Road, Cowplain (Minute)
- (15) Mr Peddle (supporter) – Application APP/13/00147 – 341 Milton Road, Cowplain (Minute)
- (16) Councillor Cheshire (ward councillor) – Application APP/13/00147 – 341 Milton Road, Cowplain (Minute)
- (17) Mr Collins (objector) – Applicaton APP/12/00913 – 80-82 Bedhampton Road, Havant (Minute)
- (18) Mr Hartley (applicant) - Application APP/12/00913 – 80-82 Bedhampton Road, Havant (Minute)
- (19) County Councillor Mrs Fairhust (county Councillor) – Application APP/12/00913 -80-82 Bedhampton Road, Havant (Minute)
- (20) Councillor D Smith (ward councillor) – Application APP/12/00913 – 80-82 Bedhampton Road, Havant (Minute)
- (21) Mr Oliver (applicant’s agent) – Application APP/12/00501 – 38 Haven Road, Hayling Island (Minute)

228. Application APP/13/00279 - 6 Whitethorn Road, Hayling Island

(The site was viewed by the Site Viewing Working Party)

Proposal: Retention of balcony area with balustrade and side screens to existing flat roof at rear.

The Committee considered the written report and recommendation of the Head of Planning Built Environment.

Details of an additional representation received since the agenda was published was verbally reported at the meeting.

The Committee was advised that the applicant had suggested that the wooden side screen could be replaced by opaque Perspex: details of the materials had not been submitted.

In response to a question raised by a member of the Committee, the officers advised that although an opaque Perspex screen would reduce overlooking, the form and design of the screen could be more obtrusive to neighbouring properties.

The Committee considered that the balcony stretching across the whole roof of the garage had a detrimental impact on adjoining properties. It was therefore,

RESOLVED that

- (A) application APP/13/00279 be refused in retrospect for application APP/13/00279, for the following reasons:

The retention of the balcony would have a detrimental impact on the amenities of occupiers of neighbouring properties at 4 Whitethorn Road (in terms of overlooking) and 8 Whitethorn Road (in terms of both outlook and overlooking). Retention of the development would therefore be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- (B) In view of it appearing that development has taken place without the benefit of Planning Permission, the Executive Head of Planning and Built Environment in conjunction with the Solicitor to the Council be authorised to issue an Enforcement Notice under sections 172 and 173 of the Town and Country Planning Act 1990 (as amended) relating to 6 Whitethorn Road, Hayling Island, PO11 9LS, such as to require within a compliance period of 1 month that:

- (i) the use of the balcony area cease; and
- (ii) the balustrade and side screens forming part of the balcony be removed from the site,

it being expedient to do so having regard to the provisions of the development plan and reasons set out in the submitted report which may be summarised as follows:

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- (i) The unauthorised development was carried out within the last four years.
- (ii) The balcony has a detrimental impact on the amenities of occupiers of neighbouring properties at 4 Whitethorn Road (in terms of overlooking) and 8 Whitethorn Road (in terms of both outlook and overlooking).
- (iii) The unauthorised development is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

229. Case Number 11/00366/CMP - 28 Bath Road, Emsworth

(The Site was viewed by the Site Viewing Working Party held on 1 May 2013)

Description: Solar panels not constructed in accordance with the approved plans.

Further to Minute 215/5/2013, the Committee considered the written report and recommendation of the Head of Planning and Built Environment.

The Committee was advised that the applicant had advised the Council, since the agenda was published, that the manufacturers had confirmed that the approved metal structure could be erected but the structure would be weighed down by the flagstones that were currently hidden from view.

The Committee received the following deputations:

- (A) Mr Last, on behalf of local residents objected to the report's recommendations on the grounds that the existing structure was unsightly;
 - (Mr Last failed to complete his deputation within the allotted time slot)
- (B) Mrs Alston, the owner, supported the report's recommendations on the grounds that the alternative, which had been approved by the Council, would include exposed flagstones and rubble on the garage roof, which would be more unsightly than the existing bucket system;
- (C) Councillor Galloway, a ward councillor, objected to the report's recommendations for the following reasons:
 - (a) The existing structures did not enhance the building of local interest at 26-29 Bath Road and were detrimental to the appearance of the Conservation Area and were therefore contrary to the Emsworth Conservation Area Character Appraisal;

- (b) The structures were not of high quality or good design that inspired and enhanced the Emsworth Conservation Area as required by Policy CS16 of the Havant Local Plan;
- (c) The current structure were an eyesore and adversely affected the character and appearance of the Emsworth Conservation Area and enforcement action was justified in this instance;
- (D) Councillor Gibb-Gray, a ward councillor, with reference to the planning history of this case, objected to the report's recommendations for the following reasons
 - (d) the alleged breach of planning control had a significant adverse impact on the local area and the Emsworth Conservation Area;
 - (e) the structures did not represent the high quality design required by Havant Local Plan;
 - (f) as demonstrated at the Site Viewing Working Party, the solar panels had a greater impact when viewed from the junction of Bridgefoot Path and Waters Edge Gardens

(Councillor Gibb-Gray requested the Committee to authorise enforcement action to bring the site to an appearance which complied with Havant Local Plan)
- (E) Councillor Mackey, a ward councillor, supported the report's recommendations for the following reasons:
 - (g) the structures do not cause sufficient distress to justify enforcement action;
 - (h) the design, which has been granted planning permission, would be more unsightly; and
 - (i) the applicant was willing to provide screening.

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

- (1) the Council could not revoke the extant planning permission;
- (2) if screening did not form part of the extant planning permission, planning permission would be required;
- (3) the officers were not aware that the approved structure would need to be weighed down by flagstones, when permission was granted; and
- (4) the placing of flagstones and rubble on the garage roof did not represent development and therefore, did not need planning permission.

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The Committee discussed this application and the views raised by the deputies and did not consider that the current structures were prominent enough to warrant enforcement action.

RESOLVED that no further action be taken in respect of the alleged breach of planning control, the subject of planning reference 11/00366/CMP.

(a) Application APP/13/00228 - Land adjacent to 8 Westbourne Close, Emsworth

(This site was viewed by the Site Viewing Working Party)

Proposal: Erection of 1No. 1 bedroom bungalow with access from Westbourne Close.

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

The Committee was during the meeting:

- (a) shown an amended elevation plan received since agenda was published; and
- (b) given details of a possible additional landscaping condition.

The Committee received the following representations:

(A) Mr Barrow, who objected to the proposal for the following reasons:

- (a) the proposed development would have a significant adverse impact on neighbouring properties;
- (b) the size and shape of the application site was not suitable for development;
- (c) the proposal was out of character with the street scene and the area and would be an unseemly addition to the street scene;
- (d) the proposed access would be in close proximity to the existing accesses for 8, 9, and 10 Westbourne Road which would cause danger and inconvenience to users of Westbourne Road and the occupiers of these properties;
- (e) the parking provision was inadequate and would therefore encourage the parking of vehicles on the highway which would interrupt the free flow of traffic and thereby add to the hazards of road users of Westbourne Road;
- (f) the clearance of the trees from the site could lead to upheave and damage to surrounding properties;

- (B) Councillor Galloway, a ward councillor, objected to the proposed development for the following reasons:
- (g) there was insufficient space between the proposed building and 8 Westbourne Road;
 - (h) the proposed development was out of keeping with the character of the road and the street scene and was therefore contrary to Policy of CS16 of the Local Plan;
 - (i) the design of the development was not of sufficient quality and distinctiveness as required by the Borough Design Guide Supplementary Document;
 - (j) the changes made to the proposal were not sufficient to overcome the Inspector's reason for refusing the previous proposal to develop the site;
 - (k) the development would be constructed over a public sewer and would require the permission of Southern water Authority

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

- (i) Southern Water Authority had not been consulted on this proposal. If permission was granted, an informative would added advising the applicant that separate consent was required from Southern water Authority;

The Committee considered this application in detail together with the issues raised by the deputees. A majority of the Committee considered that the proposed design and appearance of the building would have detrimental effect on the appearance and character of the area. It was therefore

RESOLVED that planning application APP/13/00228 be refused on the grounds that the proposed design and appearance of the building would have a detrimental impact on the character and appearance of the area: the exact wording of the refusal to be determined by the Executive Head of Planning and Built Environment.

(b) Application APP/13/00336 - Land rear of 38-40 Long Copse Lane, Emsworth

(The site was viewed by the Site Viewing Working Party)

Proposal: Development of existing paddock with 4No. five bed houses and access drive. (resubmission)

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

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The Committee also considered additional information, circulated prior to the meeting which set out details of:

- (1) responses from the County Ecologist and Hampshire Wildlife Trust;
- (2) additional representations

received since the agenda was published.

The Committee received the following deputations:

- (A) Mrs Vincent, who objected to the proposal on the grounds that
 - (a) the use of the Copse Lane as an access would change the character of this country lane to a more urban road to the detriment of the character and appearance of the area;
 - (b) the additional traffic likely to be generated by this development would have a detrimental impact on the condition of Copse Lane;
- (B) Mr Woodhams, who on behalf of Mr and Mrs Gilraine and their neighbours objected to the proposed development for the following reasons:
 - (c) plot 1 is too close to 38-40 Copse Lane and would have a detrimental impact of the outlook of the residents of these properties;
 - (d) it was questionable whether the proposed gravel dressing would be able to cope with the refuse vehicles and heavy good vehicles which would probably use this access: the access would be likely to turn into a quagmire in wet weather and become heavily rutted making the access impassable except by foot;
 - (e) the visibility spay was inadequate;
 - (f) originally the site formed part of a reserved site in saved policy H4 of the Local Plan: the function and release of this site being to meet the needs of the Structure Plan up to 2011 and was to be treated as countryside unless required to meet the Structure Plan's reserve need. The supply and allocation of housing sites were now addressed by the adopted Core Strategy and therefore policy H4 was no longer relevant. The application site was not included in the allocated sites for housing in the adopted Core Strategy and should therefore be treated as countryside;
 - (g) it was not know who owned the Redlands Lane, therefore, the S106 agreement could not be completed as it required the signature of all the land owners.

- (C) Mr Miller, the applicant, supported the application for the following reasons:
- (h) the development of this site for housing had been agreed in principle;
 - (i) the development had been the subject of extensive consultation with the officers before a planning application was submitted;
 - (j) the provision of an access via Hampshire Farm had been investigated but not found to be feasible due to the protected tree screen on the adjoining boundary;
 - (k) a thorough legal diligence process had been undertaken to show that there were no legal matters which could prevent the application being implemented;
 - (l) the proposed surface dressing for Redlands Way had been agreed with highways;
 - (m) costs for maintenance of the access track would be borne by the owners of the proposed dwellings: the existing frontages of the track would not be asked to contribute unless they wished to claim ownership;
- (D) Councillor Bolton, objected to the proposal for the following reasons:
- (n) the residents living opposite the access would be adversely affected by noise and car lights generated by vehicles using the access;
 - (o) Redlands Lane would not be able to cater for with the additional traffic likely to be generated by this development;
 - (p) the proposed gravel surface dressing was not suitable for the form and levels of additional traffic likely to be generated by the proposed development;
 - (q) the visibility splay did not provide adequate sight lines which would be hazardous to vehicles using the access and other road users;
 - (r) the additional traffic likely to be generated by this development would exacerbate the existing traffic problems experienced in Long Copse Road;
- (E) Councillor Gibb-Gray, a ward councillor, acknowledged that the design of the proposed dwellings was acceptable but objected to the proposal for the following reasons:

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- (s) the use of Redlands Lane as the access to the site would convert a country footpath into a urban road to the detriment of the amenities of existing residents and the amenities of the area;
- (t) the local residents and the Emsworth Residents' Association were concerned that this development was a deterioration of the quality of the area;
- (u) the lack of visitor parking on the site would encourage parking of vehicles in Redlands Lane and Long Copse Lane to the detriment of the free flow of traffic, including cyclists and pedestrians, and the amenities of nearby residential properties;
- (v) paragraph 7 of the report indicated that as the site was not included in the Local Plan (allocations) document the site would revert to countryside if not developed before 2014. This application was taking advantage of the fact that the site formed part of the Hampshire Farm site; and
- (w) the problems of using Redlands lane as an access had been previously identified by the Council e.g. planning permission for the development of the dwelling at 21 Redlands Lane in 2009 imposed a condition requiring construction traffic to use Wraysbury Park Drive so as to protect Redlands Lane. The low density proposed recognised that there was a still a problem in using Redlands Lane as an access;

Councillor Gibb-Gray recommended that the Committee refuse permission using model reasons for refusal R136, R163 and R165.

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

- (i) the terms of the Section 106 Agreement was being negotiated with the applicants: it was usual for an agreement to be completed after the Council had agreed to grant permission;
- (ii) Policy H4 was a saved policy so was therefore a material consideration when determining this application;
- (iii) the size of the scheme did not warrant traffic modelling. Using current traffic data, the likely traffic to be generated by this scheme amounted to 12 trips per day;
- (iv) works would be undertaken to bring Redlands Lane up to a standard to cope with the additional traffic likely to be generated by this proposal;
- (v) the proposed access and visibility splay was acceptable;
- (vi) although two vehicles would not be able to pass on the carriageway in Redlands Lane, a passing point would be provided;

- (vii) the parking provision exceeded the Council's standards;
- (viii) it was not possible to provide an access from the site into the adjoining Hampshire Farm site without damaging the protected trees situated on this boundary;
- (ix) the distance and design of the proposed dwelling on the application site ensured that there would be no overlooking onto houses in Redlands Lane;
- (x) It was possible to impose a condition requiring the crown lifting of the Oak Tree at the entrance of the application site;
- (xi) the only other access known to be considered for this site was via Hampshire Farm. However for the reasons given in (viii) this access was not considered practicable;
- (xii) the County Ecologist had no ecological concerns as there were no substantial alterations to the general level of ecological impact; and
- (xiii) the National Planning Policy Framework advised that development should only be refused on transport grounds if the residual impact was severe.

The Committee discussed this application and the views raised by the deputees in detail. Although some concern was raised about the impact on Redlands Lane, the majority of the Committee considered that the development was acceptable subject to an additional condition requiring the crown lifting of the Oak Tree at the entrance of the site to protect the tree during consideration work. It was therefore,

RESOLVED that application APP/13/00366 be granted permission subject to:

- (A) The completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990.
- (B) The following conditions, and any others that are considered necessary including a condition requiring the crown lifting of the Oak tree at the entrance of the site before development work to avoid the risk of damage during construction work (subject to such changes as the Executive Head of Planning and Built Environment may determine).
 - 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. Construction of the buildings hereby permitted shall not commence until samples and details of all external facing and

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roofing materials shall be 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 policies CS11, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3. No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

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 2012.

4. No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

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

5. No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by

the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

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

6. Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.

Reason: To protect the amenity of adjoining residents 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 or structure permitted by Part 1, Classes A, D, E and F of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) England) Order 2008, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: In the interests of the character and amenities of the development having due regard to policy CS16 of the Havant Borough Local Plan Core Strategy 2011 which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

8. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no alteration to the roof of the dwelling hereby approved including the addition of windows permitted by Part 1, Classes B or C of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, shall be constructed without the prior written approval of the Local Planning Authority.

Reason: In the interests of the character and amenities of the development having due regard to policy CS16 of the Havant Borough Local Plan Core Strategy which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

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9. The garages hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation without the prior written approval of the Local Planning Authority.

Reason: To ensure the retention of adequate on-site car parking and to discourage parking on the adjoining highway in the interests of highway safety and local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

10. No development hereby permitted shall commence on each phase until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewerage disposal including proposed to serve the same, the treatment of existing water courses and ditches and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) for that phase have first been submitted to and approved in writing by the Local Planning Authority. No dwelling or building shall be occupied until completion of the implementation of its drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan, and National Planning Policy Framework.

11. The development shall not be brought into use until a minimum of 3 parking spaces have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.

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 hereby permitted shall not be commenced until an Interim Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.

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.

13. Construction of the buildings hereby permitted shall not commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have first been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that site levels are adequately addressed in the interests of the character and amenity of the area and of neighbours having due regard to policies CS16 of the Havant Borough Local Plan Core Strategy 2011 which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2011.

14. The development shall be carried out fully in accordance with the Tree Protection Plan and Arboricultural Impact Appraisal and Method Statement produced by Barrell Tree Consultancy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development does not significant harm the trees surrounding the site and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

15. The development shall be carried out fully in accordance with the Ecological Scoping Appraisal and Recommendations for Minimising Ecological Impact produced by the Environmental Consulting Group unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development does not adversely harm the wildlife on the site and having regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

16. The dwellings hereby permitted shall not be occupied until the access and highway improvements to Redlands Lane have been carried out in accordance with details shown on Drawing No.111036/PO6 unless otherwise agreed in writing by the Local Planning Authority.

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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.

17. The development hereby permitted shall be carried out in accordance with the approved plans: [Insert numbers/titles]

Reason: - To ensure provision of a satisfactory development.

(The Meeting Adjourned at 7.30 pm and resumed at 7.40 pm)

(c) Application APP/13/00147 - 341 Milton Road, Cowplain, Waterlooville

Proposal: Variation of Condition 2 of Planning Permission 99/56355/1 to allow Sunday opening between 1700 to 21.00 hours.

Councillor Cheshire gave notice that he had formed a conclusive view on this application and would make a deputation on this application. Councillor Cheshire sat in the public gallery during the presentation and deputations and left the meeting room after making his deputation.

The Committee received the following deputations:

- (A) Mrs Bridle, who objected to the proposal for the following reasons:
- (a) if granted she and other nearby residents would be subjected to obnoxious smells for seven days of week; under the current conditions the residents were permitted one day of the week in which they could enjoy sitting in the garden and having visitors without being subjected to odours emanating from the takeaway business situated nearby;
 - (b) if granted this would create a precedent for other businesses to operate on a Sunday to the detriment of nearby residential properties;
- (B) Mr Uddin, the applicant, who supported the application on the following grounds:
- (c) The additional opening times were required to ensure the financial viability of his business;
 - (d) the nearby kebab store and fish and chip chop could open on a Sunday;
 - (e) 207 customers, of which 27 lived in close proximity to the business, supported the application;
- (C) Mr Peddle, who supported the application on the following grounds:

- (f) the business was a customer friendly establishment which sold quality food;
 - (g) other business such as Tescos, which sold alcohol, were permitted to open on Sundays and longer hours during other days of the week: the applicant should be given equal treatment;
- (D) Councillor Cheshire, a ward councillor, objected to the proposal for the following reasons:
- (h) Currently the residents who lived in close proximity to the business, the subject of the application, site enjoyed one day in which they did not have to tolerate odours, which they considered offensive, emanating from the business. To grant permission would subject these residents to the odours they considered offensive for seven days a week;
 - (i) it was questionable whether the income which would be generated by opening an additional 52 days a year would save a business;
 - (j) it was wrong to compare Tesco and the business, the subject of the application, because of the different types of product sold by these businesses; and
 - (k) the Inspector's decision with regard to Ken's Kebabs did not set a precedent.

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

- (i) odours emanating from the business were the main issue arising from this application;
- (ii) of the four takeaway businesses in the area: 2 could open on Sunday, 1 could not open on a Sunday (the business the subject of the application); and details of the conditions attached to the Chinese takeaway were not known;
- (iii) environmental health could play a role in controlling odours emanating from commercial premises and the defence of "best practical means" could be used by the owners of commercial premises. Where "best practicable means" sought to balance the interests of the commercial business and residents. The Environmental Health Manager in his response to this application had advised it would be difficult to eliminate odours from hot food takeaway premises;
- (iv) the Committee could not impose a condition requiring the Environmental Health Team to visit the premises. However, the Environmental Health Team would be made aware if permission was granted;

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- (v) a statutory nuisance could be caused if it affected a particular neighbourhood; and
- (vi) the Committee could grant a temporary permission. However, such a permission was only normally granted when a trial run was needed in order to assess the effect of the permission on the area: in this case there was little to learn; and
- (vii) it was considered that there as a clear difference between this unit and Ken Kebabs in respect of the relationship with the neighbouring properties.

The Committee discussed this application in detail together with the issues raised by the deputees. The Committee expressed sympathy with the objectors but considered that the matter of odour nuisance was best controlled by Environmental Health. In view of the limited opening times it was felt that this proposal would not have a significant adverse impact on nearby residential properties. It was therefore:

RESOLVED that planning application APP/13/00147 be granted permission subject to such conditions as the Executive Head of Planning and Built Environment considered appropriate.

230. Application APP/12/00501 - 38 Haven Road, Hayling Island

Proposal: Variation of Condition No. 2 of Planning Permission 00/53474/004 to allow occupation of one caravan (Plot 4) between the months of January and March. (Revised application.)

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

The Committee was addressed by Mr Oliver, the applicant's agent, who supported the application on the following grounds:

- (a) the applicants did not wished to live in the caravans throughout the whole year but only to occupy the caravan between January and March to enable them to prepare the caravans for letting during the other months of the year; and
- (b) it was not possible to undertake major cleaning and repairs to the caravans during the letting season

(Mr Oliver failed to complete his deputation within the allotted time limit)

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

- (i) wardens in some of the significantly larger caravan parks on Hayling Island were permitted to live on the site throughout the whole year;

- (ii) a letter submitted by the applicant's agent advised that the applicant wished to occupy the site throughout the whole year; and
- (iii) the extant Section 106 Agreement would need to be varied to restrict the occupation of the site by the owners to between the months of January and March each year, if the Committee was minded to grant consent.

The Committee discussed this application and the views made by the depute in detail. It was considered the provided that the extant Section 106 was varied to restrict the occupation of the caravans by the owners to between January and March each year, this proposal would not adversely affect the provision of tourist accommodation. It was therefore,

RESOLVED that application APP/12/00501 be granted permission subject to such conditions as the Executive Head of Planning and Built Environment considered appropriate and to the existing Section 106 Agreement being varied to the satisfaction of the Solicitor to the Council, so as to restrict the occupation of the caravans by the owners of the site between January and March each year.

The meeting commenced at 5.05 pm and concluded at 9.11 pm