

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 20 August 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Lowe and Patrick (Standing Deputy)

### **1 Apologies for Absence**

Apologies for absence were received from Councillors Lloyd and Howard. Councillor Patrick attended as Councillor Lloyd's deputy.

### **2 Site Briefing Notes**

Notes from the Site Briefing were received.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 APP/19/00324 - 5-7 Station Road, Hayling Island**

The site was the subject of a Site Briefing by the Site Viewing Working Party.

Proposal: Demolition of existing dwelling and business units and construction of a 2/3 storey building to provide 19 flats and 2 commercial units with vehicle and bicycle parking and a bin store.

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

The Committee received the supplementary information, circulated prior to the meeting which:

- 1) included the minutes of the Site Briefing held on 12 August 2020;
- 2) gave responses to the information requested at the Site Briefing by Members of the Site Viewing Working Party which included:
  - a. the size of the flats;
  - b. an annotated East elevation with explanations of each room facing, and whether the windows be sealed or not;
  - c. fire safety provisions for the rooms with sealed windows from building control; and

- d. hard copies of the building layouts in a size clear enough to read;
- 3) gave a revision to the officer's recommendation to grant permission to reflect the additional approved plans laid out in Condition 2; and
- 4) included a Schedule of Accommodation for the proposed development.

All members confirmed that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering questions raised in the Site Briefing and individual members of the Committee since the agenda was published.

There had been 3 deputations made in respect of this application. In response to issues raised in the deputations, officers stated that:

- a) Condition 4 ensured that the developer would submit a construction method statement which included a phased process, and in doing this could take account of the needs of Herons Autos during the demolition and construction of the site;
- b) the width of the proposed new access would be 5m, which was in excess of the standard 4.8m requested allowing for 2 cars to pass one another with room to spare;
- c) the new access would be more direct, more visible, and safer for customers than the access across the site at present;
- d) there were 24 proposed parking spaces for the site which did give a modest shortfall for office users, however there were other nearby parking spaces available and other sustainable transport methods nearby to be used instead of a car to reach the office space;
- e) the local Highways authority had requested the council look at pedestrian routes in the construction method statement in order to ensure safety guidelines were met;
- f) the Environmental Health officers had raised no objections to the revised plans; and
- g) the applicant had expressed their plans to speak directly to Herons Autos should permission be granted.

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

- i the access for construction would be different to the final access once construction was complete, and the plans showed the doors into the building which would ensure that residents did not need step directly on foot out into the Herons Auto access;
- ii the issue of ventilation and sealed obscure windows was a matter for Building Control;
- iii Condition 16 regarding acoustic mitigation measures would take account of noise coming in through windows and sound travelling through the fabric of the building. If the condition could not be met within the existing design, then other dampening and other types of ventilation would be investigated;
- iv whilst it was not in the business of the Council as the Local Planning Authority to ensure affected neighbours be allowed to remain open, the Committee could include a reason with Condition 4 which gave recognition of the interests of Herons Autos to remain open and functioning;
- v the construction method statement would outline the phasing of the demolition and construction work, contractor parking, deliveries, plant and machinery, and protection of pedestrian routes during construction;
- vi the original submitted plans had bedrooms for the rooms where sealed obscure windows were placed, and upon consultation with Environmental Health and the Development Manager the developer had redesigned the affected flats to meet Environmental Health standards; and
- vii the choice to obscure the windows of flats 2, 11 and 16 on the East elevation of the building was a design choice by the developer.

The Committee discussed the application in detail together with the issues raised in the deputations received.

It was therefore RESOLVED that planning permission be GRANTED to Application APP/19/00324 subject to:

- (A) the completion of a legal agreement under S106 of the Town and Country Planning Act to secure the matters set out in the submitted report; and
- (B) the following conditions, subject to such changes and/or additions as 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.

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

Plans

Site Location & Block Plan 5531 1100 E  
Proposed Ground Floor Layout 5531 1200 R  
Proposed First & Second Floor Plan 5531 1201 N  
Proposed North & South Elevations 5531 1300 G  
Proposed North & South Elevations 5531 1310 B  
Proposed East & West Elevations 5531 1301 J  
Proposed Perspectives 5531 1500 G  
Proposed Bin Store Elevations 5531 1320 A  
Landscape Strategy Plan 120 - 101  
Landscape Maintenance Plan February 2020

Drainage

Existing Site Runoff Calculations revB  
Proposed Site Runoff and Tank Design Calculations revC  
New Storm Water Pipework Size Check  
Drainage Assessment Report dated 07/05/20  
Drainage General Arrangement ref: 414406-100P7

Reason: - To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter;

- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

- 4 No development shall start on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:
  - (a) A programme of and phasing of demolition and construction work;
  - (b) The provision of long term facilities for contractor parking;
  - (c) The arrangements for deliveries associated with all construction works;
  - (d) Methods and phasing of construction works;
  - (e) Access and egress for plant and machinery;
  - (f) Protection of pedestrian and vehicular routes during construction;

- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (h) Details of all proposed external lighting to be used during demolition, excavation, clearance and construction works and the measures used to limit the disturbance to any nearby properties, to be provided. Lighting shall be used only for security and safety; and
- (i) Details of measures to be employed to control the emission of noise during demolition, excavation, clearance and construction. BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise, and Part 2: Vibration (BSI, 2014v) provide guidance on the requirements and indicative noise and vibration levels and criteria. Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: To safeguard the amenities of the locality and in the interests of the operations of the adjacent commercial premises, 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.

- 5 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) An intrusive site investigation based on the proposals outlined within the GCC Ground Condition Desk Top Study Ref: J19-005-R01; 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 identified receptors, 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;

- appropriately considered remedial objectives,
  - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
  - 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 (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

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

Reason: 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 the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site, or contamination-sensitive receptors in the immediate vicinity.

- 6 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 5 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: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2011, contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site, or contamination-sensitive receptors in the immediate vicinity.

- 7 No development shall begin until a detailed surface water drainage scheme for the site, based on the principles outlined under planning reference APP/19/00324, has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:
- a. A technical summary highlighting any changes to the design from that within the approved documentation submitted under APP/19/00324;
  - b. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations;
  - c. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change; and
  - d. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The development shall thereafter be carried strictly in accordance with the approved scheme.

Reason: To safeguard the amenities of the locality and ensure that all drainage provision is constructed to an appropriate standard and quality and having due regard to Policies CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Details for the long term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include maintenance schedules for each drainage feature type and ownership.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is maintained to an appropriate standard and quality and having due regard to Policies CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.



- 9 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.

- 10 No above ground construction works shall take place until a more 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 CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 No above ground construction works shall take place 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 brought into use 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 policies CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 No above ground construction works shall take place 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 occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 13 No above ground development shall take place until a scheme for the external lighting of the development has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties, on and off site, from light disturbance / nuisance, and in order to provide for the safety and security of residents and visitors in accordance with Policies CS8, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 No above ground development shall take place until a scheme for the provision of CCTV covering the development has been submitted to and approved in writing by the Local Planning Authority. The approved CCTV scheme shall be implemented in accordance with the approved details prior to the occupation of the development, and shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: In order to provide for the safety and security of residents and visitors in accordance with Policies CS8 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 No above ground development shall take place until a scheme for the provision of EV charging points covering the development has been submitted to and approved in writing by the Local Planning Authority. The approved EV charging point scheme shall be implemented in accordance with the approved details prior to the occupation of the development, and shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: In order to provide for more sustainable modes of transport in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy IN3 of the Pre-submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

- 16 No dwelling shall be occupied until:
- (i) a scheme of acoustic mitigation measures has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings will achieve and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms; and for traditional external areas that are used for personal amenity space, such as gardens, patios and balconies, that the external noise level does not exceed 50 dB LAeq with an upper guideline value of 55 dB LAeq in noisier environments; and
  - (ii) The approved measures have been installed and demonstrated through post validation testing to determine compliance with the approved acoustic performance levels.

The mitigation measures shall thereafter be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential amenity of the dwellings hereby approved is not impacted upon by any external noise levels and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 17 The development shall not be brought into use until space for the parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

Reason: 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.

- 18 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the commercial units shall only be used as Class B1(a) offices, and for no other purposes within Class B1 of the above Use Classes Order, without the prior written consent of the Local Planning Authority.

Reason: To accord with the terms of the application submitted; to ensure that the use of the commercial units is compatible with the Local Centre setting of the site; to ensure that satisfactory car parking provision is available locally for the development; and having due regard to Policies CS4, CS16 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL3 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

**The meeting commenced at 5.00 pm and concluded at 6.19 pm**

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**Chairman**