

HAVANT BOROUGH COUNCIL

At a meeting of the Planning Committee held on 29 April 2021

Present

Councillor Mrs Shimbart (Chairman)

Councillors Keast, Lowe, Patel, Pike and Robinson

9 Apologies

Apologies for absence were received from Councillor Guest.

10 Declarations of Interests

Councillor Pike advised that although he did not have pecuniary interest in application APP/20/01019, he was the Cabinet Lead responsible for bringing the application forward and would therefore abstain during the vote.

11 Minutes of the Site Viewing Working Party

The minutes of the Site Viewing Working Party held on 22 April 2021 were received

12 APP/20/01019 - Hooks Lane Ground Clubhouse, Fraser Road, Havant

The original application was viewed by the Site Viewing Working Party on 12 January 2021.

Proposal: Conversion of existing Multi-games play area (MUGA) into a car park, by way of, creating a connection through the existing car park serving the rugby club, and associated footpath and lighting alterations.

The Committee considered the written report and recommendation to grant permission.

The Committee noted that the application had been amended since the site briefing to include lighting in Fraser Road.

In response to questions from the Committee, officers advised that the car park would be available for everyone.

The Committee discussed the application in detail.

Members were pleased see that the original concerns about lighting had been resolved.

RESOLVED that application APP/20/01019 be granted permission 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:

Location Plan (Revised) – Drawing No. 2019 _19/008
Location Plan Lighting - Drawing No. 2019 _19/009
Block Plan - Drawing No. 2019_003
Tree Details - Drawing No. 2019 _19/005
Lighting Details - Drawing No. 2019 _19/006
Drainage Details - Drawing No. 2019 _19/007
General Arrangement - Drawing No. 2019 _19/003
Additional Details - Drawing No. 2019 _19/004
Lighting Layout – Drawing No. SSE298023-LD-001 A
Email dated 8/4/21

Reason: - To ensure provision of a satisfactory development.

- 3 Prior to the use of the development hereby permitted commencing, a detailed soft landscaping scheme for the sites' boundaries shall be 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 (to include a replacement tree for the one removed) 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, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Prior to the commencement of the development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Concerning the works to the trees these shall be carried out in accordance with the details shown on drawing No. 2019_19/005.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Before the use hereby approved commences, the sports nets and football goals shown on the red and blue land on drawing No. 2019_19/008 shall be permanently removed from north and south boundaries of the site.

Reason: In the interests of health and wellbeing and to ensure the appearance of the development is satisfactory having due regard to policies CS1, CS8, CS16 and DM1 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

[Voting on the resolution was recorded as follows:

For: Councillors Keast, Lowe, Patel, Robinson and Mrs Shimbart

Against: None

Abstain: Councilor Pike]

13 APP/20/00699 - 2 Eastoke Avenue, Hayling Island

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

Proposal: Single storey extension (south); first floor (north) extension; render and cladding; attached garage and new access on Southwood Road.

The Committee considered the written report and recommendation to grant permission

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

- (1) update sheets including an amendment to condition 2 and adding a new condition 5; and
- (2) written deputations from Mr Robinson, the applicant's agent and Councillor Turner.

The Committee considered a request from Mr Robinson that the application be deferred for the following reasons:

- (i) the report did not have a fair and balanced content to enable the Members to make a clear and effective decision and flouted the basic principle of natural justice;

- (ii) the anxieties and fears by local residents, based on previous experience and the impact of approving this application had not been mentioned in the report; and
- (iii) the previous history of the site, where planning controls and conditions had been ignored repeatedly by the applicant and no action apparently taken by the enforcement team at all or until forced to have to do.

The Committee was recommended not to accede to Mr Robinson's request as he had not given specific reasons for deferral. The Committee was reminded that

- (1) a summary of representations received was included in the report and the members had an opportunity to view these representations in full; and
- (2) a number of the concerns raised by objectors were not material considerations, which not be addressed in the report.

The Committee was addressed by the following deputees:

- a) Mr Robinson advised the Committee of the history of attempts to develop this land and reported the issues experienced by the residents in the past. He supported his written deputation by highlighting the following issues:

- 1. the proposal would have a detrimental impact on his property; and
- 2. if granted, there would be applications for further development of the site which would result in an inappropriate development which would have a detrimental impact on the character of the area and neighbouring properties

Mr Robinson requested that if the Committee was minded to grant permission it add conditions or require a legal agreement to prevent further development of the site.

- (b) Mr Barry, on behalf of the applicant, supported his written deputation by highlighting the following reasons for granting permission:

- 1. the application should be considered on its own merits;
- 2. when determining the application, the Committee should only consider material considerations; and
- 3. future development of the site would require the permission of the Council.

- (c) Councillor Turner acknowledged that the Committee was only required to consider material planning considerations and supported her written deputation by:
1. advising that she was pleased to learn that her concerns about visibility splays would be addressed by a condition; and
 2. requesting the Committee to take into account the amount of concerns raised by neighbours.

In response to questions from the Committee, officers advised that:

- it was not considered that there would be any detrimental impact on neighbouring properties.
- it was understood that the enforcement team had been involved with the issues surrounding the garage.
- although not encouraged, retrospective applications were allowed to be made under planning law.
- the garage was not required for car parking for this proposal as sufficient parking had been provided elsewhere.
- the Highway Authority had raised no concerns with this application.
- there were no material planning or highway reasons for resisting the use of the proposed drive.
- there was space to stagger the parking and to open the car doors.
- the garage could be converted to a use ancillary to the dwelling under permitted development.
- there were no justifiable reasons for imposing a condition prohibiting the use of the garage for habitable use as there was sufficient car parking provision.
- the amenity space was considered sufficient for the property in question. The south garden complied with the Council's adopted Supplementary Planning Document

The Committee discussed the application in detail together with the views raised by deputees.

Concerns were raised:

- (ii) that the reasons given by the Planning Inspectorate for dismissing an appeal for a previous application for development of the site had not be overcome; and

- (ii) about the impact on 81 Southwood Road

However, although a majority of the Committee shared the concerns of the objectors it was considered that when determining this application on its own merits there were no planning reasons for refusing this application subject to the following amendments:

- (A) Condition 3 being revised to also prohibit the installation of windows on the first floor of the north elevation to protect the amenities of the occupier of 81 Southwood Road; and
- (B) a new condition be imposed, in the interests of highway safety, requiring the access and parking areas shown on the approved plans to be laid out and made available for use before the north and south elevations be brought into use.

RESOLVED that application APP/20/00699 be granted permission 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:

Location Plan
Proposed Ground Floor Plan
Proposed Site Plan - REV G
Proposed South Elevations Materials (2)
Proposed South and East Elevations - REV E (1)
Proposed North and West Elevations - REV E (3)
Proposed First Floor Plan - REV B

Reason: - To ensure provision of a satisfactory development.

- 3 No windows shall be installed at first floor level on the north or east elevations of the extension hereby approved without the prior written approval of the Local Planning Authority.

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

- 4 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

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

- 5 The new access hereby approved shall not be brought into use until the visibility splays of 2.43 metres x 53.29 metres east and 2.43 metres x 46.33 metres west have been provided.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The north and south extensions shall not be brought into use until the access and parking areas shown on the approved Site Plan have been laid out and made available in accordance with those plans.

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.

(All members voted in favour of the resolution)

The meeting commenced at 5.00 pm and concluded at 6.19 pm

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Chairman

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