

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Planning Committee held on 27 May 2021

Present

Councillor Crellin (Chairman)

Councillors Hughes, Patel, Patrick and Branson (Standing Deputy)

### **14 Apologies**

Apologies for absence were received from Councillor Shimbart.

### **15 Declarations of Interests**

There were no declarations of interests relating to matters on the agenda.

### **16 Matters to be Considered for Site Viewing and Deferment**

There were no matters to be considered for site viewing and deferment.

### **17 APP/20/00376 - Fowley Cottage, 46 Warblington Road, Emsworth**

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

Proposal: Nine new dwellings on the site surrounding the retained Fowley Cottage, 2 on the Warblington Road frontage and 7 in the rear garden area.

The Committee considered the written report and recommendation to refuse permission

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

- (1) a written deputation from the applicant;
- (2) a written deputation from Councillors Kennett and Thain-Smith; and
- (3) an update sheet with a revised recommendation.

The Committee was addressed by Mr Glanville, who reported the history of the site together with the history of applications to develop this site. In support of his written deputation, Mr Glanville highlighted the following issues:

- The density of the current application was approximately 19 dwellings per hectare which represented an increase of a third on the previous application.

- If this application was not granted, this site might not be developed and thereby make no contribution towards the housing supply or re-usable sustainable urban land contrary to the NPPF and the Development Plan.
- Density was appropriate and in line with emerging local plan
- Not all of the Fowley Cottage site was included in the application. If permission was granted, there would be an opportunity for further development on the remaining land which could make up the 20 dwellings currently allocated for the site
- The proposal was compatible with the character of the area
- The density complied with the Local Plan and was consistent with National Planning Policy Framework (NPPF)
- The proposal was also consistent with Criterion 4 of Core strategy Policy CS9
- The proposal complied with the Post Examination Referendum version of the Emsworth Neighbourhood Plan
- Whilst it was acknowledged that Policy H13 of the Submission Version of the Havant Borough Local Plan (currently at Examination) sought about 20 dwellings on the site it was important to note that this figure did not relate to the entire site and various constraints that affect the application site. This policy was also the subject of an outstanding objection and yet to be tested at Examination. This was recognised by the Appeal Inspector who confirmed very limited weight should be given to this policy at this stage.
- The application site was the subject to a covenant that restricted the number of dwellings that could be built to south of the existing house/tennis court to 7
- Many local residents including the Emsworth Residents' Association supported the proposed development.
- 90% of those who commented on the Planning Portal said they would object to any greater number of dwellings on the site than are found in the application design.

With regard to the deputations received, the officers:

- (i) reminded the members that if the Committee took a covenant into account when determining this application it could vitiate the decision; and

- (ii) advised that the findings in the report took into account the fact that not all the available land was included in the application site

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

- The whole of the developable part of the site was in Flood Zone 1. The sites included in Flood Zones 2 and 3, which caused concern, were not included in the red line.
- The covenant was not a material consideration.

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

A member expressed concern that placing 20 houses could be detrimental to the area and pointed out that the Harbour Board and two of the ward councillors had not objected to the proposal. However, a majority of the Committee considered that

- (1) the development appeared to be contrary to some of the policies in the Post Examination Referendum version of the Emsworth Neighbourhood Plan;
- (2) the proposal was contrary to the Council's Local Plan;
- (3) the proposal deprived the opportunity to provide affordable housing; and
- (4) insufficient housing was proposed and did not make best use of the site

During the debate the members were reminded that they were required to determine the application as submitted.

A majority of the Committee were therefore minded to refuse permission and it was:

RESOLVED That application APP/20/00376 be refused for the following reason:

- 1 At a density of only 18.9 dph the application fails to make efficient use of land and is therefore contrary to the requirements of the National Planning Policy Framework, Policies CS9 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, Policies H3 and H13 of the Submission Havant Borough Local Plan and D3 of the Emsworth Neighbourhood Plan.

*[Voting on the resolution was as follows:*

*For: Councillors Crellin, Hughes, and Patel*

*Against: Councillor Branson*

*Abstention: 0]*

**18 APP/20/00875 - Aura House, New Road, Havant**

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

Proposal: Change of use of Office (Use Class B1) to 6 residential flats (Use Class C3) with parking and associated external changes to facilitate the change of use, including the two storey extension previously approved under Planning Permission APP/18/00449.

The Committee considered the written report and recommendation from the Head of Planning to refuse permission

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

- (1) included written deputations submitted by Ms Brooks, Mrs Buckley, Mr Allsop, and County Councillor Fairhurst;
- (2) detailed an update to the planning considerations;
- (3) summarised additional representations and comments received since the report was published; and
- (4) provided additional information requested by the Site Viewing Working Party

The Committee was addressed by the following deputies:

- (a) Mr Allsop, who on behalf of the applicant, read out his written deputation supporting the application; and
- (b) County Councillor Fairhurst, who supported Mr Allsop's comments and further supported the application for the following reasons:
  - (1) the Council had permitted similar development nearby in closer proximity to the railway line than this proposal;
  - (2) the development was situated on a residential street and set further back from the road than the adjoining residential properties. Therefore, it was difficult to justify refusal on grounds of the impact of noise and vibration;
  - (3) the applicants proposed to move to another site within the Borough. Therefore, there would not be a loss of business floorspace or employment within the Borough;
  - (4) the development would help meet the demand for flats for younger people in the Borough;

- (5) the site was within a sustainable location with train and bus services nearby; and
- (6) this was an opportunity to provide accommodation without impacting on greenfield sites.

The officers made the following comments, in response to the deputations received:

- The building was designed for modern office use and in active use. Therefore, it was difficult to justify a change of use of the building to residential on the grounds that the building was no longer fit for its current use
- Policy CS2 sought to safeguard sites of business uses
- It was difficult to quantify the impact of Covid 19 on start-up businesses in the long term. However, it was anticipated that there always be a demand for such premises for small start-up businesses.
- Previous appeals, set out in report, were material considerations when considering this application
- The Committee was required to consider the application on its own merits. The other developments referred to in the verbal deputations were either built before the Council adopted its space standards, had different designs or were subject to less sources of noise.
- It was not known when the current uses would relocate

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

- Although, the room sizes were small they met the national space standards
- All forms of housing, particularly two bed dwellings, were required for the Borough. However, such housing needed to be of a good quality.
- The applicant's plans to market the flats were not a material planning consideration.
- The applicant was looking to install a stronger form of noise attention measures on the elevation of the development facing the railway line.
- The Environmental Health Officer had advised that there was no longer any vibration issue.
- There was an acceptable level of noise within the building provided the windows were closed.
- Due to the sustainability of the location, the parking provision was considered acceptable.

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

A majority of the Committee were minded to grant full permission, contrary to the officer's recommendation, for the following reasons:

- (i) the principle for this development had been established;
- (ii) there was a shortage of housing supply in the Borough with a high particularly high demand for 1 and 2 bed properties;
- (iii) the impact on the character and appearance of the area and neighbouring properties had been addressed as the appearance would not change;
- (iv) the impact of residential amenity noise and vibration has been mitigated by the applicant and supported by officers;
- (v) the loss of business space would be minimal compared with the excess of business space in the Borough demonstrated by the applicant;
- (vi) the ecological issues could be addressed by a Section 106 Agreement; and
- (vii) the other issues could be mitigated by conditions

RESOLVED that

- (A) application APP/20/00875 be granted permission subject to a legal agreement to address the ecological issues and such conditions (where considered appropriate) to cover:
  - Time limit for commencement of the development
  - Materials and finishes
  - The obscure glazing and fixed shut windows requirements
  - A compliance condition ensuring that the proposal is in accordance with the submitted noise report
  - A requirement that the noise conditions are complied with prior to occupation
- (B) authority be delegated authority to the Head of Planning, after consultation with the Chairman of the Committee, to determine the terms of the legal agreement and the conditions referred to in (A) above;
  - The provision of the parking provision details

- The provision of the electric vehicle charging point mentioned in the deputations
- The provision of details of the cycle storage and design
- Lighting
- The improvement of the fencing to the railway line
- The issues raised by the water authority relating to the impact on the Aquifer
- Landscaping

(Voting for the resolution was as follows:

For: Councillors Crellin, Patrick, Branson, Patel, Hughes  
Against: 0  
Abstentions:0)

## **19 APP/21/00075 - 3 Westmead Close, Hayling Island**

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

Proposal: Demolition of existing dwelling; Erection of 1No. two storey three bed dwelling and associated works.

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

The Committee received the supplementary information, circulated prior to the meeting which set out an amendment to recommended Condition 2.

In response to questions from the Committee, officers advised that the Council had received 3 objections and 1 letter in support, which were summarised and addressed in the submitted report.

RESOLVED that the permission be granted for application APP/21/00075 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:

20069-PL-005 REV B Amended proposed elevations uploaded on the 17.05.2021

PL007 Indicative section uploaded on the 11.05.2021

Amended proposed plans (floor plans) uploaded on the 17.05.2021

20069-PL-001 REV C Amended block plan received on the 26.05.2021

20069-PL-006 REV C Amended indicative streetscene received on the 26.05.2021

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the bedroom and bathroom windows in the first floor on the side elevations facing north and south shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the building 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 in the Conservation Area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

## **20 APP/21/00264 - 33 Victoria Avenue, Hayling Island**

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

Proposal: Single storey rear extension

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

The Committee received amended Appendices C, D, E and F, which were circulated prior to the meeting.



RESOLVED that the APP/21/00264 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  
Block Plan  
Existing and Proposed Ground Floor Plans - P100A  
Existing and Proposed Site Plan - P102  
Existing and Proposed North and South Elevations - P103  
Existing and Proposed East and West Elevations - P104  
Existing and Proposed 3D Plans - P105

Reason: - To ensure provision of a satisfactory development.

- 3 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.

**21 APP/21/00199 - Hayling Billy Trail - 3 sites at 1. Mill Lane, Langstone; 2. North Holt (Car Park), Victoria Road, Hayling Island and 3. Former South Hayling Station site Adjacent to Station Theatre, Hayling Island**

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

Proposal: Display of 3No. non-illuminated Heritage Trail signs with former station names 3 sites at: 1. Mill Lane, Langstone; 2. North Halt (Car Park), Victoria Road, Hayling Island and; 3. Former South Hayling Station site Adjacent to Station Theatre, Hayling Island.

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

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

- The signs were designed as a replica of the Southern Railway signs that were in place at each station before the line closed in 1963.

- It was not intended to give an explanation on site for spelling the station sign using the spelling as it was in the railway's operational life.

RESOLVED that the APP/21/00199 be granted advertisement consent subject to the following conditions:

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

Red Line Plan  
Design and Access Statement

Reason: - To ensure provision of a satisfactory development.

## **22 Appointment of Site Viewing Working Party**

RESOLVED that:

- (a) the Site Viewing Working Party be constituted with the terms of reference set out in paragraph 3.1 of the submitted report;
- (b) Members of the Planning Committee (including standing deputies) be appointed to the Working Party referred to in (a) above; and
- (c) members appointed to the Working Party referred to in (a) above continue to be members and constitute that Working Party until the first meeting of the Committee after the annual meeting of the Council subject to the members concerned remaining members of the Council during that time.

**The meeting commenced at 5.00 pm and concluded at 7.30 pm**

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**Chairman**