

HAVANT BOROUGH COUNCIL

At a meeting of the Planning Committee held on 24 February 2022

Present

Councillor Crellin (Chairman)

Councillors Branson, Hughes, Lowe, Patrick and Linger (Standing Deputy)

57 Apologies

Apologies for absence were received from Councillors Howard and Weeks.

58 Minutes

REOLVED that:

- (a) the minutes of the meeting of the Planning Committee held on 3 February 2022 were agreed as a correct record and signed by the Chairman; and
- (b) the minutes of the Site Viewing Working Party held on 17 February 2022 be received.

59 Declarations of Interests

There were no declarations of interests.

60 Items for Deferment

There were no matters to be considered for deferment.

61 APP/21/01376 - Land adjacent to 54, Long Copse Lane, Emsworth

(The site was viewed by the Site Viewing Working Party on 17 February 2022)

Proposal: Erection of 9No. dwellings together with associated works
(resubmission of APP/21/00683)

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

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

- (1) included written deputations submitted by Dr Mason, Mr Poirrier, and Nova Planning;

- (2) included the minutes of the Site Viewing Working Party held on 17 February 2022;
- (3) gave a response to a question submitted by a member of the Committee regarding the density of the development;
- (4) summarised additional representations received since the agenda was published; and
- (5) revised the wording of paragraph 7.81 of the report.

During the meeting the officers reported the receipt of additional representations received after the supplementary information was circulated.

The Committee was addressed by the following deputees:

- (i) Dr Mason, who reiterated the objections set out in his submitted written deputation;
- (ii) Mr Poirrier, who reiterated the objections set out in his submitted written deputation and highlighted that East Hampshire District Council had recently refused permission for affordable housing in Rowlands Castle because of rare bats;
- (iii) Mr Goodenough, who, on behalf of the applicants, supported the application by reiterating the issues raised in his written deputation.

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

- a that under condition 17, the applicants were required to demonstrate the water efficiency of the proposed dwellings. A calculation of water usage was made based on the equipment installed in each dwelling and the water usage associated with the dwelling;
- b that Council land formed part of the application site because it would be used for the translocation of the SINC;
- c that the actual size of the development site was 0.45 hectares;
- d that Plot 5's level would be 1.5 m lower than 54 Long Copse Lane;
- e that the front of plot 5 was approximately 26 metres from the rear of 54 Long Copse Lane;
- f that the development complied with the Emsworth Neighbourhood Plan;
- g of the provision made for drainage of the development;

- h that the Committee was required to determine the application as submitted;
- i that the attenuation tanks would be managed by a management company;
- j that the developer would be required to pay the Council for the maintenance of the SINC land for a period of 30 years; and
- k that Condition 9 included a provision to ensure that lighting was appropriate in this sensitive location.

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

During the debate, it was acknowledged that the proposed development was on a sensitive site. However, it was felt that:

- (A) the mitigation measures would address the concerns raised by the objectors;
- (B) the proposed relocation of the SINC site would lead to an improvement of the SINC;
- (C) Natural England and Westbourne Parish Council had not raised any objections;
- (D) the harm did not outweigh the need for housing in the Borough;
- (E) the proposed density was appropriate;
- (F) the development complied with the Emsworth Neighbourhood Plan; and
- (G) there were no significant or demonstrable reasons to refuse this application

RESOLVED that application APP/21/01376 be granted permission subject to:

- (A) completion of the Section 106 Agreement as set out in paragraph 7.81 of the submitted report, as amended by the supplementary information circulated prior to the meeting, (for which authority is given to the Head of Legal Services to complete the Agreement); and
- (B) the conditions set out below (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision)

General

- 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 Layout Plan – 01L

Plot 1 - Plans & Elevations - Drawing No. 02A

Plot 2 - Plans & Elevations - Drawing No. 03C

Plots 3 & 4 - Plans & Elevations - Drawing No. 04D

Plot 5 - Drawing No. 05C

Plots 6 & 7 - Drawing No. 06B

Plots 8 & 9 - Drawing No. 07B

Site Section from South to North (plot 4) D-D - Drawing No. 10C

Site Elevation from Long Copse Lane - Drawing No. 09 d
Street Scene Drawing.

Documents

Arboricultural Implications Assessment and Method Statement dated 3/2/2022 by Barrie Draper

Ecological Appraisal by WYG dated November 2021

Reptile Survey by WYG dated November 2021

Long Copse Management Plan by WYG dated 26 May 2020

Technical Note by Tetra Tech dated 17/8/21

Planning Statement dated November 2021 by Nova Planning

Drainage Strategy and Flood Risk Statement dated 3/2/2022 by Aqua Callidus

Road Safety Audit Report dated December 2020 by Fenley

Transport Statement dated November 2021 by Nick Culhane

Swept Paths Analysis Using 11.2m Refuse Freighter Vehicle – Drawing No. NJC-001 C

Reason: - To ensure provision of a satisfactory development.

3. Development shall proceed in accordance with the ecological avoidance, mitigation, compensation and enhancement measures detailed within the submitted Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF, Policy CS 11 of the Havant Borough Core Strategy March 2011 and Policies E14 and E15 of the Submission Havant Borough Local Plan .

4. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, or roof conversion shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring properties, the protection of trees and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1, E18 and IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

5. Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the buildings hereby permitted the windows in the first floor on the side elevation facing west, on Plots 1 and 5 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 201, Policies E1, E18 and IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

6. The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011, Policy IN3 of the Submission Havant Borough Local Plan, Policy ENP MI of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

Pre-commencement Conditions

7. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) 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 routes during construction;
- (g) Location of temporary site buildings, compounds, construction material and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

8. Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP.

Reason: to protect biodiversity in accordance with the Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF, Policy CS 11 of the Havant Borough Core Strategy March 2011 and Policy IN3 of the Submission Havant Borough Local Plan.

9. Prior to the commencement of development activities, a detailed Ecological Mitigation & Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All EMMP measures shall be in accordance with those detailed within the Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020) unless otherwise agreed in writing by the local planning authority. The EMMP shall include (but not necessarily be restricted to): grassland translocation (to include details of preparatory works, translocation methods and timings, aftercare); details of all habitat and species mitigation measures; details of the ongoing management of all compensatory/enhancement habitat; location, type and number of all bat/bird boxes and other ecological enhancements; details of lighting. All ecological compensation/enhancement measures shall be installed/implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function.

Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2019, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF, Policy CS 11 of the Havant Borough Core Strategy March 2011 and Policies E14 and E15 of the Submission Havant Borough Local Plan.

10. Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Assessment & Method Statement by Barrie Draper dated 25 November 2021 and the Tree Protection Plan shall be installed and agreed at a pre-commencement meeting with the Council's Arboricultural Officer and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.

Reason: To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E18 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 11 Prior to development commencing details of the services and the final no dig surfacing shall be submitted to approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority

Reason: To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E18 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

12. No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such 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) 2011 and the National Planning Policy Framework.

- 13 Not to commence development until there is a binding provision with the landowner for the ecological compensation provision on land edged blue on the Site Layout Plan, which shall be submitted in writing to the Local Planning Authority.

Reason: In the interests of nature conservation and biodiversity net gain, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E14 of the Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

Above ground

14. 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 building(s) 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, Policy E1 of the Submission Havant Borough Local Plan, Policy ENP D1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

15. Notwithstanding any description of landscaping shown on the Site Layout Plan no above ground construction works shall take place until a soft landscape scheme including submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing has been submitted to and approved in writing by the Local Planning Authority. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs and plant specification schedules, comprising plant size, number and density.

The information shall also include:

Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:

- finished levels
- hard surfacing material type / product reference and colour
- laying bond
- edging or kerb detail / type
- retaining structures or steps
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E3 of the Submission Havant Borough Local Plan Policy ENP D1 and ENP D7 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework

16. No above ground construction works shall take place unless and until details specifying the Energy Efficiency of the residential development in accordance with Policy E12 of the Submission Havant Borough Local Plan have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved specification.

Reason: To ensure the energy efficiency of the residential development in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) and Policy E12 of the Pre-Submission Havant Borough Local Plan and the National Planning Policy Framework.

Pre-occupation

17. 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; and
 - b) All measures necessary to meet the approved water efficiency calculation have been installed.

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 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 Policies E14, EX1 and E12 of the Submission Havant Borough Local Plan.

18. No part of the development shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course.

Reason: To avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy IN3 of the Submission Havant Borough Local Plan, Policy ENP DI of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

19. Prior to occupation, notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, fences or other means of enclosure at the road junction shall be set back to the sight lines shown on the approved Site Layout Plan drawing number 01L and these visibility splays shall be kept free of obstruction and thereafter maintained and retained.

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, Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

20. Prior to the occupation of the development full details of the Electrical Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority. The Charging Points shall be installed in accordance with the approved details prior to the occupation of each individual dwelling and retained at all times thereafter.

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 Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework

21. No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and future occupiers of the development having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan, Policy ENP D1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

22. Prior to occupation of the development hereby approved details of Swift and Bat boxes to be on installed on all of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved Swift and Bat boxes shall be installed in full accordance with the approved details before the occupation the dwelling and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of nature conservation and biodiversity net gain and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, policies E14 and E15 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

Post occupancy

23. At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

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 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 Policies E14, EX1 and E12 of the Submission Havant Borough Local Plan.

62 APP/21/01087- 25 Heather Close, Waterlooville

Proposal: Brown cladding to front and part sides of property

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

Councillor Patrick advised that although she had requested that this application be considered by the Committee, she had an open mind and would base her decision on the issues raised at the meeting.

In response to questions raised by members of the Committee, the officers advised that the colour of the cladding was suggested by the applicants.

The Committee considered that the proposal and in particular the colour of the cladding would not be detrimental to the appearance of the street scene.

During the debate the Committee was reminded that it was required to determine the application as submitted and should not prejudge what might or might not happen in the future.

RESOLVED that application APP/210/01087 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 Plans - 01.01 REV
P1

Reason: - To ensure provision of a satisfactory development.

The meeting commenced at 5.00 pm and concluded at 6.10 pm

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Chairman