

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 22 August 2013

Present

Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Hilton, Smith D, Smith J and Turner

### **53. Apologies for Absence**

There were no apologies for absence.

### **54. Minutes**

RESOLVED that:

- (1) the Minutes of the meeting of the Development Management Committee held on 1 August 2013 were agreed as a correct record and signed by the Chairman.
- (2) the minutes of the Site Viewing Working party held on 15 August 2013 be received.

### **55. Matters Arising**

There were no matters arising.

### **56. Declarations of Interest**

There were no declarations of interests.

### **57. Chairman's Report**

The Chairman had nothing to report.

### **58. Matters to be Considered for Site Viewing and Deferment**

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

### **59. Deputations**

The Committee received the following deputations/representations:

- (1) Mrs Clark (objector) – Application APP/13/00496 – 3 Elm Grove, Hayling Island (Minute 60)
- (2) Mr Bundy (objector) – Application APP/13/00655 – Site Adjacent to Wellington Retail Park, Hambledon Road, Waterlooville (Minute 62)

- (3) Mr Reynolds (objector) – Application APP/13/00657 – 108 Lovedean Lane, Waterlooville (Minute 63)
- (4) Mr Bone (applicant's representative) – Application APP/13/00657 – 108 Lovedean Lane, Waterlooville (Minute 63)

**60. APP/13/00496 - 3 Elm Grove, Hayling Island**

Proposal: Erection of new building following demolition of timber building and garages and change of use from printers workshop to MOT test centre.

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

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

- (a) gave details, supplied by the applicant, of the activities and tools proposed;
- (b) included a new appendix showing the location of the objections; and
- (c) corrections to Section 5 of the report

The Committee was addressed by Mrs Clark, who spoke on behalf of the South Hayling United Reform Church. Although she raised no objection to the principle of development of the site and acknowledged that the proposal would be a visual improvement on the existing building, objected to the proposal for the following reasons:

- (1) the noise likely to be generated would interfere and interrupt the activities held by the Church, and
- (2) the parking facilities were inadequate and would encourage parking in the public car park to the detriment of other users of the car park.

Mrs Clark requested that, if the Council was minded to permit a light industrial use, it should remove permitted development rights to control further development of the site.

The Committee was advised at the meeting that the side elevation shown during the presentation had been amended so as to remove the windows.

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

- (a) the Council's MOT centre had confirmed that it would not be necessary to remove the vehicle's wheels for a MOT test;

- (b) the drawings submitted indicated that ramps would be provided in the proposed centre

The Committee discussed this application together with the issues raised by the depute. Although some support was for the proposal, the majority of the Committee considered that the noise likely to be generated by this proposed use would adversely affect the amenity of the adjoining Church and residential properties. It was therefore

RESOLVED that Application APP/13/0496 be refused for the following reason:

- 1 The proposed development would be likely to result in an unacceptable level of noise and disturbance which would adversely affect the amenity of the immediate locality and nearby residential properties. The proposal is therefore contrary to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

**61. APP/13/00653 - Brook Meadow, North of 8 Seagull Lane, Emsworth**

Proposal: Provision of a pre-fabricated secure store for maintenance tools.

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment. A correction to the description of the development in the agenda was circulated prior to the meeting.

RESOLVED that Application APP/13/00653 be granted permission subject to the following conditions:

- 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 storage container hereby permitted shall not commence until samples and details of all external facing and 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 CS11.4, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

Site Plan – Drawing No.BMCG 02  
Location Plan – Drawing No.BMCG01  
Proposed Elevations - Drawing No.BMCG03  
Design and Access Statement  
OS Plan

**Reason:** - To ensure provision of a satisfactory development.

**62. APP/13/00655 - Site Adjacent to Wellington Retail Park, Hambledon Road, Waterlooville**

Proposal: Installation of pedestrian access ramp (revised to ramp approved in Planning Permission APP/12/00835), to Maurepas Way.

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

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

- (a) a correction to Hampshire Highways's consultation response; and
- (b) a summary of and response to further representations received from the objector to the application.

The Committee was addressed by Mr Bundy of the Havant Area Disability Access Group, who supported a new access route but objected to the proposals for the following reasons

- (1) the overall distance and gradient of the proposed ramp would not be accessible to many elderly and disable people unless landing or resting areas were provided;
- (2) although involved in the original public consultation, the group has not, as agreed, been consulted on the design of the ramp;
- (3) the shared use of the ramp by cyclists should not be permitted as this would make the use of the ramp hazardous for disabled and elderly users; and
- (4) a more inclusive design, which exceeded the minimum requirements should have been provided.

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

- (i) advised that the principle for a crossing over Maurepas Way was established under the planning permissions for the Sainsburys Retail development: the access group had not objected to this crossing;

- (ii) showed the existing route for disabled people to access Waterlooville Town Centre from the retail park;
- (ii) it was possible to provide a landing. However this would increase the gradient of the slope;
- (ii) the proposed slope met the standards set in paragraph BD29 of the Department of Transport's Design Guide for Roads and Structures ("BRMD");
- (iii) the gradient was 1 in twenty and in accordance BD29 of BRMD did not require landings;
- (iv) the provision of seating would reduce the width of the carriageway to the detriment of the users;
- (v) the slope was designed to accommodate cyclists, who would be unable to ride through the subway.

The Committee discussed this application and the issues raised by the depute in detail together with an amendment to defer consideration of this matter to enable the design of the ramp to be revised to include landings and seating. The majority of the Committee considered that this application was acceptable. It was therefore,

RESOLVED that Application APP/13/00655 be granted permission subject to the following conditions:

- 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 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 CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 3 No development shall commence on the site until all trees and shrubs not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing. Such fencing shall conform to the following specification in accordance with BS5837 2005.

Minimum 2.4 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting a minimum of 20mm exterior grade ply.

Such fencing shall be maintained throughout the course of the works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.

**Reason:** To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The development hereby approved shall be constructed and in use prior to the opening to the public of the retail development approved under planning permission APP/12/00835 dated 7th March 2013.

**Reason:** To provide improved linkages between the approved retail development and Waterlooville Town Centre and having due regard to policies CS6, CS16 and DM11 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework 2012.

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

Application covering letter

Application form and Certificates dated 26 June 2013

Drawing No. CHQ.08.08455 – PL150A, Site Location Plan (1:1250 @ A2)

Drawing No. CHQ.08.08455 – PL152, Existing Pedestrian Ramp (1:500 @ A2)

Drawing No. 4483-004 C3, Ramp Plans & Details (As indicated @A1)

Drawing No. 4483-005 C4, Pilecap & RC Ramp Details (As indicated @ A1)

Drawing No. 4483-006 C2, Concrete Ramp Details (1:50 @ A1)

Drawing No. 4483-007 C3, Steelwork Details (As indicated @ A1)

Drawing No. 4483-008 C2, Enlarged Plan Details (As indicated @ A1)

Drawing No. 4483-009 C2, Steelwork Details (As indicated @ A1)

Drawing No. 4483-010 C2, Ramp Elevations (1:100 @ A1)

Drawing No. 4483-011 C3, Pile and Pilecap Layout (As indicated @ A1)

Drawing No. 4483-015 C2, Setting-out Layouts (As indicated @ A1)

Drawing No. 4483-020 C1, Existing Ramp Infill (As indicated @ A1)

Drawing No. 4483-201 P1, Ramp Layout Plan Showing Existing Services and Proposed Sections (1:200 @ A1)

Drawing No. ZSSLWVILLE2.2/50, S278 Agreement Highway Improvements

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**Reason:** - To ensure provision of a satisfactory development.

### 63. APP/13/00657 - 108 Lovedean Lane, WaterlooVille

Proposal: Demolition of existing 3 bed house. Construction of 1No. 4 bed detached chalet bungalow and 1No. 3 bed detached chalet bungalow and detached double garage, utilising existing vehicular access from Lovedean Lane.

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

Additional information received from Hampshire Fire and Rescue was circulated as supplementary planning information prior to the meeting.

The Committee was addressed by the following deputees:

- (a) Mr Reynolds, who objected to this application for the following reasons:
- (i) although some changes had been made to reduce the impact of the the building on 110 Lovedean Lane, the building was too large and would have an adverse impact on the amenities and living conditions of 108 Lovedean Lane;
  - (ii) claims in the application, that this proposal was similar to 110 and 112 Lovedean Lane were incorrect, these buildings were built in the 1930s; and
  - (iii) the proposal would set a precedent and encourage further backland development in Lovedean Lane.

Mr Reynolds advised he welcomed recommended conditions 5 and 6

- (b) Mr Bone, on behalf of the applicant, supported the application on the following grounds:
- (1) the proposal was the result of consultation with the officers and the occupiers; and
  - (2) the revised design sought to overcome previous concerns about the impact of the building on adjoining properties

The Committee was advised that, if it was minded to grant permission, to delegate authority to the Executive Head of Planning and Built Environment to:

- (A) amend condition 5 so as to ensure that permitted development rights were removed for further extensions to houses at ground floor and the roofs; and
- (B) if recommended by the Building Control Officer, to impose a condition requiring the installation of Automatic Water Suppression to ensure that additional water supplies are available for fire fighting.

The Committee discussed this application together with the views of the deputies in detail. The Committee considered that application had overcome the Council's previous concerns and it was therefore

RESOLVED that Application APP/12/00APP/13/00657 be granted permission subject to the liability for CIL payments and following conditions (subject to such changes to condition 5 and an additional condition requiring automatic water suppression as the Executive Head of Planning and built Environment considers appropriate):

- 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 building(s) hereby permitted shall not commence until samples and details of all external facing and 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 CS11.4, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012



- 3 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. 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 properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and 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 hard surfacing has been completed in full accordance with that specification, and the hardstanding shall be permanently maintained in accordance with these details.

**Reason:** In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012

- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended) or of any subsequent Order revoking or re-enacting that Order, no extension, or alteration to the roof, including the insertion of any window above ground floor eaves level permitted by Schedule 2, Part 1, Classes A, B & C of the Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

**Reason:** The specific circumstances of this site warrant the Local Planning Authority having control of any further additions, and in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended) or of any subsequent Order revoking or re-enacting that Order, no building or structure permitted by Schedule 2, Part 1, Class E of the Order, as amended, shall be erected within 5 metres of the northern boundary of the curtilage of Plot A the site without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the amenities of no. 110 Lovedean Lane in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012

- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order 1995 (as amended) or any subsequent Order revoking or re enacting that Order, no further windows shall be fitted into the side elevations or any roofslope of the buildings.

**Reason:** In the interests of neighbouring amenity and in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012

- 8 All first floor side windows shall: at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

**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 National Planning Policy Framework 2012

- 9 The garage for Plot B 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 in accordance with the standards adopted in the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012

- 10 The development shall not be brought into use until a turning space is provided within the site to enable vehicles to enter and leave the site in forward gear in accordance with details to be agreed in writing by the Local Planning Authority. This space shall thereafter always be kept available for such use.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012

- 11 The development shall not be brought into use until a minimum of 3 parking spaces per dwelling, and cycle parking 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 National Planning Policy Framework 2012

- 12 The development hereby approved shall be undertaken in accordance with the details set out within the submitted Arboricultural Impact Assessment and Method Statement. No works hereby approved shall take place until the schedule of how the development is to progress in relation to tree protection measures has been submitted to and agreed in writing by the Local Planning Authority. The Arboricultural details shall be used as a live working document on site, and the development shall be constructed in a manner strictly in accordance with these agreed details unless any variation or amendment has been otherwise agreed with the Local Planning Authority.

**Reason:** In the interests of protecting on and off-site trees, and in accordance with Policy DM8 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.

- 13 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 National Planning Policy Framework 2012.

- 14 No external lighting shall be installed in the rear garden of the site (i.e to the east of the approved dwellinghouse) unless plans and particulars of the same have first been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

**Reason:** To safeguard the amenities of the locality and mindful of biodiversity interests in the area and having due regard to policies CS11.2, CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework.

- 15 The proposed bat mitigation measures as indicated on the approved plans shall be provided and maintained in perpetuity in accordance with the details hereby approved. Any variation to these details shall have been previously been agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development accommodates protected species and in accordance with Policy DM8 of the Havant Borough

Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012

- 16 No development hereby permitted shall be commenced 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. This scheme shall include measures for biodiversity. Such a 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 and measures for biodiversity 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 CS11.2, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 17 No development hereby permitted nor any related site clearance shall 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 been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that land levels are reduced where possible rather than raised in the provision of the new buildings, in order to control the impact on the surroundings and neighbouring amenities in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) and National Planning Policy Framework.

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

13.207.01  
13.207.02  
13.207.03

**Reason:** To ensure provision of a satisfactory development.

**The meeting commenced at 5.00 pm and concluded at 6.24 pm**

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