

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 13 February 2014

Present

Brown, Buckley (Vice-Chairman), Hilton, Mrs Shimbart (Chairman), Smith J, Turner and Galloway

128 Apologies for Absence

Apologies for absence were received from Councillor D Smith.

129 Minutes

RESOLVED that

- (a) the minutes of the meeting of the Development Management Committee held on 23 January 2014 were agreed as a correct record and signed by the Chairman; and
- (b) the minutes of the Site Viewing Working Party held on 6 February 2014 were received.

130 Matters Arising

There were no matters arising.

131 Declarations of Interest

There were no declarations of interests.

132 Chairman's Report

The Chairman reminded members of the Committee that a report would be submitted to the next meeting of the Council recommending the appointment of a Joint West Of Waterlooville MDA Planning Committee with Winchester City Council:

133 Suspension of Standing Orders

RESOLVED that Standing Order 24 be suspended to enable the Committee to consider and make a decision on agenda item 10 (Application APP/13/00893) (Minute 137)

134 Matters to be Considered for Site Viewing and Deferment

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

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135 Deputations

The Committee received the following deputations/representations:

- (1) Mr Lowes (applicant's agent) – APP/13/00893 – BAE, Elettra Avenue, Waterlooville (Minute 137)
- (2) Mr and Mrs McCormack (objector) – APP/13/00893 – 1A Milton Road, Waterlooville (Minute 138)

136 Planning Enforcement

The Committee considered a report and recommendations from the Scrutiny Board in connection with a review of the resource and work of the Planning Enforcement element of the Development Management Team.

The report was presented by Councillor Gibb-Gray who advised that this was part of an on-going review examining the current resource levels, the number and type of enforcement investigations, identified issues and proposed future actions to ensure a focused and effective enforcement service.

In particular, the Committee was advised that

- (a) the Scrutiny Panel considered that Ward Councillors should be encouraged to intervene at an early stage to help resolve issues informally at a local level and help promote better relations between developers and local residents so as to reduce the number of formal complaints requiring enforcement action; and
- (b) the National Planning Policy Framework identified that enforcement action was discretionary and not mandatory.

RESOLVED that an Enforcement Plan for Havant Borough Council be prepared to manage enforcement proactively and set out how the Planning Development Service will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

137 APP/13/00893 - BAE System, Elettra Avenue, Waterlooville

Proposal: Outline application for mixed-use employment, leisure and retail development to comprise demolition of Main Building and erection of Class C1 hotel, Class D2 cinema, 3No. Class A3 restaurants, Class A4 public house, Class A3/A5 drive-thru restaurant, Class A1 food store and retention of E Block for use as Class B1 offices or conversion to Sui Generis bowling complex, Class D2 health and fitness centre, and Class A3 restaurant.

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

The Committee was addressed by Mr Lowes, the applicant's agent, who advised that his clients were firmly committed to completing the Section 106 Agreement by 7 March 2014. Mr Lowes requested the Council to take a pragmatic approach if the Agreement was not completed by this date.

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

- (A) there was a risk that if the Council failed to meet future performance targets for major developments, and in particular the Government's commitment to applications being determined within 26 weeks of validation, the Council could lose its ability to determine this type of application in the future; and
- (B) notwithstanding this, the recommendation set in the report would enable the officers to agree with the applicants an extension to the deadline

RESOLVED that

- (A) application APP/13/0893 be granted outline planning permission subject to:
 - (1) The completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 incorporating the following terms (subject to such changes as the Executive Head of Planning and Built Environment and the Solicitor to the Council may determine):
 - i) Dedication of land to facilitate the delivery of a shared footpath/cycle link between the Major Development Area (MDA) and the south-western corner of Brambles Business Park.
 - ii) Framework Travel Plan: To include implementation, monitoring and commitment to pay a monitoring fee and commuted sum to Hampshire County Council.
 - iii) Employment and Skills Plan
 - iv) A phasing programme for the provision of the leisure facilities
 - v) Management of sustainable drainage features on the site
 - (2) the following conditions, including an additional condition regarding the marketing strategy/process with wording to be determined by the Executive Head of Planning and Built Environment and any others that are considered necessary

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(subject to such changes as the Executive Head of Planning and Built Environment may determine).

1. The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same [herein called "the Reserved Matters"] have been submitted to and approved in writing by the Local Planning Authority.

(i) The Reserved Matters:

- (a) The scale of the buildings;
- (b) The design and external appearance of all buildings (including details of the colour and texture of external materials to be used);
- (c) Landscaping including a landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;

(ii) Other Matters:

- (d) The finished levels (above ordnance datum) of both the ground floor of the proposed buildings and the surrounding ground levels;
- (e) Access facilities for the disabled;
- (f) Alterations to the external appearance of the existing buildings;

- (g) The layout of foul sewers and surface drains;
- (h) The manner of treatment of existing water courses and ditches;
- (i) Landscaping including an accurate plan showing the position, type and spread of all existing trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring the tree(s) to be retained to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree;
- (j) Landscaping including the arrangements to be made for the future maintenance of landscaped and other open areas;
- (k) The alignment, height and materials of all walls and fences and other means of enclosure;
- (l) Hardsurfacing proposals including surfacing materials;
- (m) The provision and allocation to be made for the parking of vehicles;
- (n) The provision to be made for the parking, turning, loading and unloading of vehicles;
- (o) The provision to be made for the storage and removal of refuse from the premises;
- (p) Measures for security and crime prevention;
- (q) The provision to be made for external lighting;
- (r) The areas to be used for contractors' vehicle parking and materials storage during (site clearance and) construction of the development;
- (s) A phased programme for implementation of the development;

Reason: To secure orderly development and having due regard to the policies of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

4. The building defined as a drive-through restaurant on the approved plan shall be used only as a drive through hot food takeaway business or restaurant, cafe or hot food takeaway business falling within Classes A3 or A5 of The Town and Country Planning (Use Classes) Order 1987 and the subsequent (Use Classes)

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Amendment (England) Order 2005, unless the Local Planning Authority gives prior written approval for any variation. This condition shall apply notwithstanding any Town and Country Planning (General Permitted Development Order).

Reason: In order to ensure that the vitality and viability of Waterlooville Town Centre and having due regard to policies CS16 and DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

5. The use of the restaurant hereby approved shall be only for the purposes of Class A3 (Restaurant & cafes) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended). This condition shall apply notwithstanding any Town and Country Planning (General Permitted Development Order).

Reason: In order to ensure that the vitality and viability of Waterlooville Town Centre and adequate car parking, having due regard to policies CS16, DM11 and DM14 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

6. The development hereby permitted shall not be occupied until details of parking allocation, including cycle parking, for each building/unit have been submitted to and agreed in writing with the Local Planning Authority. The spaces shall be surfaced and marked out and allocated 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 having due regard to policy DM14 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

7. No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul drains have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and adhered to at all times.

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 Core Strategy 2011 which form part of the Local Development Framework, and National Planning Policy Framework, March 2012.

8. The buildings hereby permitted shall not be occupied 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 policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

9. The development hereby permitted shall not be occupied 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 and the approved details implemented in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

10. The development hereby permitted shall not be commenced until a BREEAM Pre-Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate

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that the development will attain a minimum standard of 'very good' BREEAM rating. The development shall be carried out only in accordance with the details the subject of the assessment.

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

11. Construction of the buildings 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

12. 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 protect the character and appearance of the area and having due regard to Policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

13. to development commencing on-site a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include the following elements unless specifically excluded, in writing by the Local Planning Authority.

1. A desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses.

- A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme based on (1), if required, for the purpose of informing an appropriate assessment of the risks to all receptors that may be affected, including those off site.
 3. The results of the site investigation and risk assessment (2) and if appropriate, a method statement based on these results giving full details of all remediation & risk mitigation measures required, and how they are to be undertaken (a “remediation strategy”).
 4. A verification report or statement shall be prepared (as appropriate) on completion of the remediation or risk mitigation measures set out in (3), confirming that measures have been undertaken in accordance with the method statement and setting out any requirements for longer-term monitoring of pollutant linkages, maintenance arrangements and contingency action.

The approved scheme shall be fully adhered to prior to commencement of the use of the buildings.

Reason: To prevent future site employees being exposed to unacceptable risks from potential contamination; and to mitigate the risks to local surface waters from contamination arising on the site from previous land uses and having due regard to Policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

14. If, during development, contamination not previously identified on site is found to be present, no further development shall be undertaken until a report has been submitted to and approved by the Local Planning Authority detailing how that contamination is to be dealt with. All works outlined in the submitted report shall be adhered to.

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Reason: To ensure that risks from land contamination to the future users of the land and controlled waters are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers and having due regard to Policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

15. Prior to development commencing on-site a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 20% critical storm will not exceed the runoff from the existing site following the corresponding rainfall events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The drainage scheme should:

1. Provide an assessment of how the site is currently drained, its existing runoff rates and the proposed runoff rates. It should demonstrate that the combined flow from the proposed development does not exceed existing rates.
2. Demonstrate the surface water run-off generated up to and including the 1 in 100 year 20% critical storm will not exceed the run-off from the existing site following the corresponding rainfall event.
3. Demonstrate the measures employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving waters.
4. Include details of how the scheme shall be maintained and managed after completion. This shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

5. A timetable for its implementation.
6. A written summary of the scheme, including supporting calculations and how the swale shall be operated.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework, and National Planning Policy Framework, March 2012.

16. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (September 2013 29169/004 Rev C prepared by Peter Brett associates) and the following mitigation measures detailed within the FRA:

1. Thresholds levels and surrounding finished ground levels will be set at least 0.4m above the existing ground levels for the cinema development partially within Flood Zone 2.
2. All other proposed building thresholds should be set at least 300mm above surrounding road levels in Elettra Avenue and Silverthorne Way; and at least 300mm above the proposed swale crest levels.
3. All proposed road, parking and pedestrian area finished levels shall be no lower than the surrounding road levels in Elettra Avenue and Silverthorne Way; and no lower than the proposed swale crest levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To reduce the risk of flooding to the proposed development and future occupants and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Core Strategy 2011 which form

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part of the Local Development Framework, and National Planning Policy Framework, March 2012.

17. Prior to development commencing on-site a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include; construction traffic routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. The agreed details shall be fully implemented before the development is commenced.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

18. Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

19. The extraction equipment installed in pursuance to Condition No.18 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local

Planning Authority, to facilitate monitoring of compliance with this condition.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

20. No development hereby permitted shall commence until details of external air moving equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include acoustic performance. The equipment shall be installed prior to the use of the building(s) commencing. Equipment to be maintained and operated only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of nearby properties is protected and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

21. Prior to the development being brought into use, details of the opening hours of each unit shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully adhered to at all times.

Reason: To protect the amenity of occupiers of nearby properties is protected and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

22. No development hereby permitted shall commence until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority, to include details of:

- i. Construction traffic routes in the local area;
- ii. Parking for vehicles of site personnel, operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Piling techniques;

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- v. Storage of plant and materials;
- vi. Programme of works (including measures for traffic management and operating hours)
- vii. Provision of boundary hoarding and lighting has been submitted to and approved in writing by the Local Planning Authority;
- viii. Protection of important trees, hedgerows and other natural features;
- ix. Measures to reduce mud and spoil on the highway;
- x. Details of proposed means of dust suppression and noise mitigation;
- xi. Management and recycling of materials including soil;
- xii. Details of the location of the site compound; and
- xiii. A timetable for implementation of the items i - xii, above.

Only the approved details shall be implemented during the construction period.

Reason: To ensure that development should not prejudice highway safety, nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

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

Reason: To ensure provision of a satisfactory development.

- (B) In the event that the S106 is not completed by the 7th March 2014 (subject to such change as the Executive Head of Planning and Built Environment and the Solicitor to the Council may determine) that the application be REFUSED under delegated powers as not complying with the requirements of the Development Plan for the following reason.

In the absence of a completed Legal Agreement, the development does not ensure the provision of important, directly-related infrastructure and would present a risk that development would not be implemented comprehensively, including leisure facilities which are an important consideration

in relation to the impact of the development on Waterlooville town centre. It is therefore contrary to policies CS4, CS4, CS6, CS19, CS20, CS21 DM11 & DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

138 APP/13/01214 - 1A Milton Road, Waterlooville

(The site was viewed by the Site Viewing Working Party on 29 January and 6 February 2014)

Proposal: Creation of additional accommodation by first floor and two storey rear extensions; alterations to roof including raised eaves levels to front and sides. Addition of front porch. (Resubmission of APP/12/00866).

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment to grant permission, which was circulated as supplementary information prior to the meeting.

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

- (i) a proposal by the applicant to enter into a Section 106 Agreement to guarantee the demolition of the existing garage; and
- (ii) a revised recommendation to reflect (i) above.

The Committee was addressed by Mr and Mrs McCormack, who objected to the proposal for the following reasons:

- (a) the size, height and proximity of the extension to 1 Milton Road would adversely affect the outlook and light available to the occupiers of 1 Milton Road;
- (b) the height depth and width of the proposal would appear cramped resulting in a loss of space around the building to the detriment of the living conditions and amenities of the occupier of this property;
- (c) the proposal was out of keeping with the street scene;
- (d) the size, height, depth and proximity of the proposal to 1A Milton Road, would be overbearing and detrimental to the visual amenities of 1 Milton Road; and
- (e) although not a material consideration, the proposal would devalue 1 Milton Road.

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

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- (a) showed the approximate position of the windows of 1A Milton Road, which were affected by the proposal and advised that a daylight test to assess the impact on 1A Milton Road had not been undertaken: the Inspector in his appeal decision did not consider that the loss of light to 1A Milton Road, would be unacceptable;
- (b) advised that the distance between the flank wall of the application site and 72 Hambledon Road was approximately 1 metre; and
- (c) showed photographs showing the relationship of 72 Hambledon Road and 1 Milton Road to the application site

The Committee discussed this application in detail together with the views raised by the depute and the Inspector's decision in relation to Planning Application APP/12/00866.

The Committee acknowledged that in view of the Inspector's comments relating to street scene and loss of light to 1 Milton Road, it could not justify reasons for refusal on these grounds.

However, the Committee considered that the amendments made to the proposal since the appeal decision did not overcome their previous concerns relating to the:

- (1) detrimental impact on 1 Milton Road in terms of outlook; and
- (2) the cramped form of development and the lack of adequate amenity space for future occupiers of the application site.

Upon reviewing the inspector's decision regarding impact on 72 Hambledon Road, the Committee considered that the Inspector had seriously erred and had wrongly overruled an impact evaluation by the Council, which was based on an in depth knowledge of the area and the requirements of the Borough. The Committee considered that the proposed changes to the scheme did not fully address their previous concerns and that the height, depth and proximity of the proposed extension to the boundary with 72 Hambledon Road would result in an excessive building bulk detrimental to the outlook and visual amenities of the occupiers of that dwelling. However, in view of the professional advice given at this meeting, the Committee decided not to pursue this particular concern further.

RESOLVED that application APP/13/01214 be refused based on reasons 1 and 4 attached to the notice of refusal in relation to application APP/12/00866: the exact wording of these reasons to be determined by the Executive Head of Planning and Built Environment.

The meeting commenced at 5.00 pm and concluded at 6.10 pm