

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 6 March 2014

Present

Councillor Mrs Shimbart (Chairman)

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

139 Apologies for Absence

Apologies for absence were received from Councillor Hilton.

140 Minutes

The Minutes of the meeting of the Development Management Committee held on 13 February 2014 were agreed as a correct record and signed by the Chairman.

141 Matters Arising

There were no matters arising.

142 Declarations of Interest

Councillor D Smith advised that in view of his involvement with application APP//13/01269, a member of the public could conclude that he had reached a conclusive view. He therefore gave notice that he would withdraw during consideration of this application APP/13/01269 (Minute 147)

143 Chairman's Report

The Chairman had nothing to report.

144 Matters to be Considered for Site Viewing and Deferment

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

145 Deputations

The Committee received the following deputations/representations:

- (1) Mr Knight (objector) – Application APP/13/010704 – Johnstons Coppice, Stakes Hill Road, Waterlooville (Minute 146)

- (2) Councillor Galloway (councillor) – Application APP/13/010704 – Johnstons Coppice, Stakes Hill Road, Waterlooville (Minute 146)
- (2) Councillor Gibb-Gray (councillor) – Application APP/13/010704 – Johnstons Coppice, Stakes Hill Road, Waterlooville (Minute 146)
- (3) Mrs O'Connor (objector) – Application APP/13/01269 – 55 Kingscote Road, Cowplain (Minute 147)
- (4) Councillor Cheshire MBE (ward councillor) – Application APP/13/01269 – 55 Kingscote Road, Cowplain (Minute 147)
- (5) Councillor Shimbart (ward councillor) – Application APP/13/01269 – 55 Kingscote Road, Cowplain (Minute 147)

(Mrs Plowright, who had submitted a request to make a deputation in support of application APP/13/010704 (Minute 146) was not present at the meeting when this matter was discussed)

146 APP/13/01074 - Johnstons Coppice, Stakes Hill Road, Waterlooville

Proposal: Change of use from woodland to mixed use of woodland and natural pet cemetery.

Further to Minute 123/1/2014, the Committee considered the written report and the revised recommendation of the Executive Head of Planning and Built Environment to refuse permission

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

- (i) Appendix D to the report; and
- (ii) responses from the Hampshire and Isle of Wight Wildlife Trust and the County Ecologist;
- (iii) a revised recommendation taking into account the responses referred to in (ii) above.

The Committee was advised at the meeting that the revised recommendation should be amended to read:

“In the absence of adequate information the Local Planning Authority is not satisfied that the proposal will not be detrimental to the maintenance of the populations of protected species concerned at a favourable conservation status. The proposal is therefore contrary to Policy CS11 (8) and the National Planning Policy Framework 2012”

The Committee was addressed by the following deputies:

- (A) Mr N Knight, who advised that a majority of his previous reasons for objecting to this scheme were still relevant. He raised the following additional reasons:
- (a) the proposed excavation works related to burials would disturb the current floor covering in the woodland and spoil the current tranquillity and undisturbed character of this ancient semi natural woodland;
 - (b) although not opposed to a sensible woodland management he was opposed to pet burials and the change of use of this woodland;
 - (c) with reference to comments made at the last meeting regarding the need to tidy up, this was a ancient woodland and not a park or garden;
 - (d) the proposed use could damage the roots of the trees as it was proposed to dig the soil within the root protection area: in garden and parkland areas the Council sought to protect roots of trees worthy of retention; and
 - (e) insufficient information had been given on the impact of the proposal to bury the pets on a 7 year coppice rotation: the best advice for woodland management for dormouse sites suggested a rotation of more than 7 years was preferable;
 - (f) independent professional ecological surveys of all species should be undertaken before granting permission as advised by the County Ecologist and the Hampshire and isle of Wight Wildlife Trust

Mr Knight began to quote from “Standing Advice For Ancient Woodland” published by Natural England but was unable to finish within the time allocation.

- (B) Councillor Galloway, objected to the proposal for the following reasons:
- (g) this was a valuable woodland, which the Council should seek to protect. The applicant had failed to demonstrate that the proposed use would not harm this rare resource;
 - (h) there was insufficient information regarding the management of the woodland, in the long term;
 - (i) there was insufficient information regarding the demand for the proposed use: it was doubtful whether the income likely to be generated by burials would meet the woodland management costs; and

- (j) If permitted this would create a precedent which would make it difficult for the Council to refuse applications to introduce a commercial use into other woodlands.

- (C) Councillor Gibb-Gray, objected to the proposal and with reference to responses set out in (ii) above emphasised that the main objection to this proposal was not to a woodland management plan but the introduction of a commercial activity into this woodland. He welcomed the revised recommendation and advised that this would be an ideal woodland to be taken over by a community group working within an agreed woodland management plan.

In response to a question raised by a member of the Committee, the officers advised that the advice relating to the management of woodland set out in the National Planning Policy Framework was not readily available at this meeting.

The Committee discussed this application in detail together with the views raised by the deputees. Before making its decision, the Committee was reminded that this an application for change of use of the land and not an application to develop the land. The Committee acknowledged that in this particular case the Borough Council's Ecological consultant, had raised concerns following the receipt of further information, which had led to a late change in the officer's recommendation. The Committee noted that a revised proposal for the same use could be submitted in the future However, in view of the advice and information submitted it was

RESOLVED that application APP/13/01704 be refused for the following reason:

- (1) In the absence of adequate information the Local Planning Authority is not satisfied that the proposal will not be detrimental to the maintenance of the populations of protected species concerned at a favourable conservation status. The proposal is therefore contrary to Policy CS11 (8) and the National Planning Policy Framework 2012.

147 APP/13/01269 - 55 Kingscote Road, Cowplain, Waterlooville

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

(Councillor D Smith left the room during consideration of this application)

Proposal: Erection of a single detached garage to front garden.(Revised Application).

Further to Minute 121/1/2014, The Committee considered the revised recommendation of the Executive Head of Planning and Built Environment to refuse permission: the recommendation to refuse permission was unchanged.

The Committee also received supplementary information, circulated prior to the meeting, which set out documents submitted by Mrs O'Connor to support her deputation.

The Committee was addressed by the following deputees:

- (A) Mrs O'Connor, who, on behalf of herself and other residents of 51, 52, 53 and 57 Kingscote Road, objected to the application for the following reasons
- (a) the construction of a garage of this size and design in front of the building line would be out of keeping with the street scene;
 - (b) the development by reason of its bulk, design and prominent location would be an incongruous feature within the street scene to the detriment of the of the visual amenities of the site and locality and neighbouring amenities and such was contrary to Policy CS16 and the NPPF
 - (b) the plans submitted did not clearly show the size and dimensions of the garage and its impact on adjoining neighbours and the street scene: the drawings attached to the documents referred to in the supplementary information took into account the slope of the foundations and gave a better indication the scale and height of the proposal and of the distance from the highway to the entrance to the garage;
 - (c) the loss of an off road parking space to accommodate the garage would encourage the parking of vehicles on the highway which would interrupt the free flow of traffic, detrimental to highway safety;
 - (d) the proposed garage building would obstruct visibility in Kingscote Road, which would cause danger and inconvenience to the users of this highway;
 - (e) although not a material consideration, the proposal would be contrary to covenants affecting development. The most relevant covenant was not the one set out in the report but the covenant set out in the supplementary information which clearly stated that the front wall and of any house or building should be set back 10ft from the boundary: the drawing s attached to the supplementary information showed that the front wall of the garage would be 0.5m from the boundary;
 - (f) the proposed garage would affect the outlook from and light to the occupiers of 53 and 57 Kingscote Road;
 - (g) there was inadequate space between the proposed frontage of the garage and the highway to enable the garage doors to be opened and/or closed without interfering with the free passage of pedestrians using the adjoining footway;

- (h) the photographs attached in the supplementary information correctly showed the street scene and character of the street scene: the photographs submitted by Councillor Cheshire were not of the relevant street scene.
 - (i) the proposal would create an undesirable precedent which make it difficult to refuse similar applications
- (B) Councillor Cheshire, who on behalf of the applicant supported the application. With reference to slides showing similar garages in neighbouring roads and the extract from the deeds set out in paragraph 7.6 of the report he suggested that the recommendation set out in the officer's report was unfair for the following reasons:
- (j) the photographs shown in the slides were of garages of a similar and larger size to the garage proposed in Sutton Road which ran parallel to Kingscote Road. Therefore, this proposal was not of character with the area and would not create a precedent; and
 - (k) although the covenant detailed in paragraph 7.6 of the report prohibited temporary buildings and caravans in the front drives, the photographs clearly showed that this covenant was ignored. These caravans were as incongruous to the street scene as the proposed garage.
- (C) Councillor G Shimbart, who on behalf of residents, objected to the proposal for the following reasons:
- (l) when built the application site was provided with an integral garage, which had been converted into living accommodation;
 - (m) the properties shown in the slides submitted by Councillor Cheshire did not establish a precedent as they showed properties which formed part of a different development and the garages were set further back into the drive than the proposal;
 - (n) the proximity of the garage entrance to the footway would not enable the driver of vehicles exiting the garage to see oncoming pedestrians: the covenant shown in the supplementary information required the garage to be at least 10ft from the boundary with the footway;
 - (o) the proposal would encourage parking on the highway, which would exacerbate the existing problems experienced in this narrow road.

Councillor G Shimbart recommended that the Committee refuse this application using standard reasons R23, R24 and R28

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

The Committee considered that the proposal would have a detrimental impact on the outlook and amenities of neighbouring properties. It was therefore

RESOLVED that application APP/13/01269 be refused for the following reason:

- 1 The proposed development by reason of its design, bulk and prominent location would be an incongruous feature within the street scene to the detriment of the visual amenities of the site and locality and neighbouring amenities. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The meeting commenced at 5.00 pm and concluded at 5.50 pm

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Chairman

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