

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 16 October 2014

Present

Councillor Mrs Shimbart (Chairman)

Councillors Buckley (Vice-Chairman), Hilton, Keast, Turner and Galloway (Standing Deputy)

48 Apologies for Absence

Apologies for absence were received from Councillors Brown and Heard.

49 Minutes

RESOLVED that the minutes of the meeting of the Development Management Committee held on 25 September 2014 were agreed as a correct record and signed by the Chairman.

50 Matters Arising

There were no matters arising.

51 Minutes of the Site Viewing Working Party

The minutes of the meeting of the Site Viewing Working Party held on 9 October 2014 were received.

52 Declarations of Interest

There were no declarations of interests.

53 Chairman's Report

The Chairman advised that Item 10(2) had been withdrawn from the agenda.

54 Matters to be Considered for Site Viewing and Deferment

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

55 Deputations

The Committee received the following deputations/representations:

- (1) Mr Black (objector) – Tree Preservation Order 2024 – 59 Rest a Wyle Avenue, Hayling Island (Minute 56)

- (2) Councillor Collins (ward councillor) - Tree Preservation Order 2024 – 59 Rest a Wyle Avenue, Hayling Island (Minute 56)
- (3) Ms Satchwell (objector) – APP/14/00627 – Hayling Seaside Railway, Eastoke Corner, Sea Front, Hayling Island (Minute 57)
- (4) Mr Haddock (applicant) – APP/14/00627 – Hayling Seaside Rialway, Eastoke Corner, Sea Front, Hayling Island (Minute 57)
- (5) Councillor Collins (ward councillor) – Hayling Seaside Railway, Eastoke Corner, Sea Front, Hayling Island (Minute 57)

56 Tree Preservation Order 2024 - 59 Rest a Wyle Avenue, Hayling Island, Hampshire

(The group of trees covered by the Order was viewed by the Site Viewing Working Party)

The Committee considered objections to the Tree Preservation Order 2024.

The Committee also considered the written report of the Executive Head of Planning and the built Environment together with correspondence received.

Mr Brewer and Mr Warne, who had objected to the making of the Order, were invited to take part in the meeting to present their case.

(Mr Brewer and Mr Warne joined the meeting)

The Council's Arboriculturalist presented the officers report and advised that it was considered expedient to make the Order to protect the amenity value of the trees following receipt of a pre application enquiry regarding the potential development in the grounds of 59 Rest a Wyle Avenue.

In response to questions raised by the members of the Committee, the Council's Arboriculturalist advised that:

- (a) there was no record of Havant Borough Council requesting the owner to keep the trees under control: the highway authority may have in the past required the owner to cut back branches overhanging the highway;
- (b) the Cypresses were categorised as trees and not hedges;
- (c) the type of tree contained within the group of trees covered by the order required more management than other forms of tree;
- (d) the Order was made in response to a pre-application enquiry to develop the land;

In response to questions raised by Mr Brewer and Mr Warne, the Council's Arboriculturalist advised that:

- (i) provided that that the trees were not cut back into older leafless growth, the trees could be pruned without damaging the trees;
- (ii) the amenity value of the trees had been assessed by three officers
- (iii) the Tree Preservation Order would enable the Council to protect the trees and ensure that the contribution made by the Group of trees to the character of the street scene was properly acknowledged in any future development of the land; and
- (iv) the Tree Preservation Order did not prevent future development of the land. It was accepted that if an application to develop the land was successful some of the trees on the site could be replaced through the planning process but only if they were protected on the site, at this stage, by a confirmed TPO;.

Mr Brewer, the owner, objected to the proposal for the following reasons:

- (A) the site was not in an important area: the land was part of a Council estate and not a landscaped area;
- (B) the trees were out of character and unsuitable for a site of this size and location: the trees included in the group was originally intended as a hedge screen but grown out of control into trees;
- (C) the group of trees did not make a valuable contribution to the street scene or environment;
- (D) the form and type of trees included within the group were not worthy of preservation;
- (E) the trees included with the group relied upon a shallow root system. The trees were therefore unstable and a potential danger to users of the highway;
- (F) future management of the trees by topping and lopping would result in an unsightly group of trees;
- (G) the Tree Preservation Order would stop future development of the land and as a result devalued the land: Mr Brewer had been trying to sale the property but the trees deterred potential purchasers;

Mr Warne, a prospective developer, supported the comments made by Mr Brewer and objected to the order for the following reasons:

- (aa) the trees were hedges that had grown of control. The root system of these trees were unstable and unlikely to hold the trees during periods of inclement weather: the tree were therefore potentially hazardous:

- (bb) the confirmation of the order would impose an acceptable burden upon the owners to maintain these trees;
- (cc) the group of trees constituted a danger to users of the highway as they obscured the vision of vehicles attempting to exit Rest a Wyle Avenue;
- (dd) the trees were ugly and an eyesore and therefore detrimental to the visual amenities of the street scene;
- (ee) development of the site would enable the development to build much need housing and could lead to more acceptable trees being planted on the site

In response to a question raised by a member of the Committee, Mr Brewer advised that he wished he had removed the trees when he purchased the property.

During his summary, Mr Brewer advised that he had issues with the way the Order had been made and reiterated that this Order devalued his property.

The Chairman thanked Mr Brewer and Mr Warne for their contributions

(Mr Brewer and Mr Warne returned to the public gallery).

The Committee received deputations by Mr Black and Councillor Collins who supported the comments made by Mr Brewer and Mr Warne and raised the following additional objections:

Mr Black (a potential developer of the land)

- (AA) confirmation of the Tree Preservation Order would deter future developers
- (BB) the trees were unsightly and unsuitable for this locality

Councillor Collins (a ward councillor)

- (CC) the trees had attracted fly tipping;
- (DD) the order would place an unnecessary financial burden upon the owners of the land;
- (EE) confirmation of the order could prevent the supply two additional affordable homes;

The Committee discussed the views raised by the invitees and deputees together with a motion to not confirm the order. The majority of the Committee considered that, based on the site inspection and information available at the time, the group of trees covered by the Order appeared sound and healthy and

made an important contribution to the area. The Committee also considered that confirmation of this order, without modification, would give the Council greater control on the composition of the trees within the group during future development of this site.

RESOLVED that Tree Preservation Order 2024 be confirmed without modification.

57 APP/14/00627 - Hayling Seaside Railway, Eastoke Corner, Sea Front, Hayling Island

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

Proposal: Construction of a new depot building (incorporating part of the existing car park) and alterations to track layout.

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

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

- (a) gave details of additional information received from the Council's ecology consultant together with a recommended condition to replace conditions 4 and 5 as set out in the report;
- (b) gave details of additional representations received since the report was published;
- (c) contained a revised Appendix E
- (d) contained information requested by the Site Viewing Working Party

A sample of the materials likely to be used for the development were displayed at the meeting.

During the meeting the Committee was advised that an additional representation, which raised no new matters, had been received since the reports and additional information had been published.

The Committee was addressed by the following deputees:

- (1) Ms Satchwell, who objected to the proposal for the following reasons:
 - (a) evidence had not been submitted to support the application;
 - (b) the size, scale and mass of the proposed building was out of keeping and inappropriate for this seaside location;

- (c) the location of the building would obscure the view of existing shops within the area which would have a detrimental impact on the financial viability of these business due to a decline in footfall
 - (d) there were more suitable sites for the location of the proposal; and
 - (d) the proximity of the storage shed to the play area and the Plaza would pose a health and safety hazard;
- (3) Mr Haddock, the applicant, supported the application for the following reasons:
- (e) the lease on the current site was due to expire and the lessor had indicated that it would not be renewed. The application site was the only suitable site that could accommodate the proposal; the railway would almost certainly close, if this application was refused;
 - (f) the railway attracted visitors to the island with 250,000 people using the railway since it opened;
 - (g) the height of the building had been reduced to overcome the concerns raised during the consultation phase;
 - (g) the building would be designs to reflect the existing buildings within the locality;
 - (h) an environmental survey had been undertaken to ensure that the proposal would not have adverse impact on nature conservation interests
 - (i) a survey of the usage of the car park revealed that between June and September 2014 the car park was underused so the loss of some parking places to accommodate the proposal would not have detrimental impact;
 - (j) a depot currently existed close to the play area and the Plaza. Therefore the proposed storage unit would not create an additional hazard;
- (3) Councillor Collins, supported Ms Satchwell, and objected to the proposal for the following reasons:
- (i) the proposal would create a precedent for more buildings to be constructed on the beach to the detriment of the visual amenities of the area;

- (j) the proposal would lead to a loss of car parking spaces for visitors; and
- (k) the Council should investigate location the proposal to the west of the existing site of the storage building.

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

- (1) the parking implications had been taken into account when evaluating the proposal. A parking survey undertaken by the applicant demonstrated during June and September 2014 the car park never reached full capacity. There was also land to the west which could be used to accommodate overspill parking for up to 28 days in a calendar year without the need for planning permission;
- (2) although not a material planning consideration, other sites had been investigated prior to the submission of this application: the Committee was reminded that it was required to determine the application on its own merits;
- (3) there was no policy prohibiting the proposed building;
- (4) although not a material planning consideration, it was understood that if planning permission was granted, a lease would be entered into for the use of the land; and.
- (5) condition 7 as set in the report would ensure that materials sympathetic to the locality would be used in the construction of the building

The Committee discussed this application in detail together with the views raised by the deputees. One member of the Committee expressed opposition to the proposal on the grounds that it would: create a precedent; have a detrimental impact on the amenities of the locality; and there was inadequate parking. However, the majority of the Committee considered that the proposal was appropriate to the locality and would have a positive impact on the local economy.

It was therefore

RESOLVED that Application APP/14/00627 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 Unless otherwise agreed in writing by the Local Planning Authority, this permission shall enure for the benefit of Hayling Seaside Railway only and shall not enure for the benefit of the land, and the use of the depot hereby permitted shall be discontinued on the date when Hayling Seaside Railway ceases to occupy the land.

Reason: In order to ensure that future uses of the building are appropriate to the site, and having due regard to Policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 3 Unless otherwise agreed in writing with the Local Planning Authority, the depot building hereby approved shall be used only for:
- (i) secure storage and protection for railway locomotives, carriages and rolling stock, together with all associated equipment;
 - (ii) light maintenance work to trains and locomotives;
 - (ii) office operations associated with Hayling Seaside Railway; and
 - (iii) ancillary visitor and retail activities.

All heavy maintenance and engineering work shall be undertaken off site in a separate workshop.

Reason: To accord with the terms of the application submitted, and in order to ensure that the use of the building is appropriate to the site, and having due regard to Policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011..

- 4 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Biodiversity Report (John Norton Ecology, June 2014) and the letter from Mr John Norton of John Norton Ecology dated 2nd October 2014 unless otherwise agreed in writing by the local planning authority. All ecological mitigation measures shall be permanently retained in accordance with the submitted details. In addition, a monitoring report detailing the mitigation works undertaken (to include photographic evidence and site plans/maps) shall be submitted for comment to the local planning authority at a date no later than 3 months after the completion of development works.

Reason: To protect, maintain and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 5 No development hereby permitted nor any related site clearance shall commence until more detailed plans and particulars specifying the finished levels (above ordnance datum) of the track layout, the ground

floor of the proposed depot building and the surrounding ground levels in relation to existing ground levels 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 details.

Reason: In the interests of the character and appearance of the area and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Construction of the depot building hereby permitted shall not commence until samples and details of all external facing and roofing materials, including doors, decorative fascia boards and canopies, have been submitted to and approved in writing 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.

- 7 Construction of the depot building hereby permitted shall not commence until details of the design of the proposed mural(s) on its south elevation have been submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved design(s) shall be used in carrying out the development.

Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 Notwithstanding the details submitted, no development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all parts of the site proposed to be planted has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify 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.

- 9 Notwithstanding the details submitted, no development hereby permitted shall commence until more detailed plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed means of enclosure and fences have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all such provision as is thus approved by the Authority. At all times thereafter, all of that means of enclosure/fencing provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and the safety of users of adjacent land and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans: (List of plans)

Reason: - To ensure provision of a satisfactory development.

The meeting commenced at 5.00 pm and concluded at 6.26 pm

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Chairman