
Site Address:	8 Northlands Park, Emsworth, PO10 7EY		
Proposal:	Construction of boat shed in garden.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00671	Expiry Date:	20/11/2023
Applicant:	Mrs M Millers		
	Merco Place Ltd		
Agent:		Case Officer:	Joseph Toole
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is within the private estate of Northlands Park. The application site has a large plot size with a detached property, detached garage and ancillary building. The house is constructed of red brick with elements of flint work and black weatherboarding; beneath a red clay tile roof with black windows.

Permission was granted under APP/16/00649 in August 2016 to change the use of the land to the east of the original residential curtilage of No 8 to residential land ie to extend the residential curtilage associated with No 8. This land is triangular in form, extending some 70m to the east, with a gradual slope down to the A27 and the treed embankment. This change of use permission has been implemented in that the land is now incorporated into the 'garden' of No 8, the undergrowth cleared a little with a path running through. That permission also included the retention of washing/drying structure; erection of composter; and a replacement shed/log store. The land is covered in many trees, predominantly field maples and hawthorn trees, which were originally protected by a Woodland Tree Preservation Order. However, a few trees the subject of a TPO remain. Under APP/21/01060 planning permission has given to fell 24 trees. This area is now used as a kitchen garden and storage of boat on a trailer and cars.

Part of the application site is located within Flood Zone 2/3.

2 Planning History

APP/12/01194 - Change of use and conversion of dwelling to allow 4 bed Bed and Breakfast guest accommodation to operate, with remaining rooms to remain in residential use., PERM,22/02/2013

APP/15/00638 - Construction of 1No. detached 3 bed house and 2No. semi-detached 3 bed houses with integral garages with access from private drive (approved 13.8.16). Request to Discharge Condition No. 12 (6.1.16). Request to Discharge Condition No. 13 (4.1.17)., PERM,13/08/2015

APP/15/00901 - Fell 1No. Maple (T11) subject to TPO 1838., PERM,08/10/2015

APP/15/00918 - Erection of 1 detached 3 bed house with access from private drive., PERM,02/10/2015

APP/15/01036 - Discharge of Condition Nos. 11,12 and 13 of Planning Permission

APP/15/00638., SPL,04/12/2015

APP/15/01238 - Discharge of Condition No. 1 of Planning Permission APP/15/00901., PERM,03/11/2015

APP/15/01237 - Discharge of condition No. 12 of Planning Permission
 APP/15/00918., PERM,06/01/2016
 APP/16/00649 - Change of use of the land adjacent to the east of No 8 Northlands Park from woodland area to residential garden; retention of washing/drying structure; erection of composter; replacement shed/log store; extension of parking area and turning head., PERM,12/08/2016
 APP/17/00029 - Validation report with laboratory test results etc, UNK,
 APP/17/00386 - Increase height of existing approved shed from 2.5m to 3.8m with associated facilitation pruning works to adjacent TPO trees., PERM,08/06/2017
 APP/18/00077 - Retention of merging 2No. sheds into 1No. timber outbuilding to be used as a gym, utility room and shed/store., PERM,07/03/2018
 APP/21/01060 - Fell 24No. trees within W1 of TPO 1838., PERM,10/11/2021
 APP/22/00233 - 1No Lime (T1) reduce crown in height by 4 metres and laterals by 2 metres to leave height at 12 metres and spread at 5 metres. 1No Lime (T2) reduce crown in height by 3 metres, North sector by 3 metres to leave tree height at 5 metres and spread at 3 metres. 1No Lime (T3) reduce crown in height by 4 metres and laterals by 2 metres to leave tree height at 12 metres and spread at 4 metres. 1No Lime (T4) reduce crown in height by 5 metres and laterals by 2 metres to leave tree height at 12 metres and spread at 4 metres. 1No Lime (T5) reduce crown in height by 3 metres, North sector by 4 metres to leave tree height at 10 metres and spread at 4 metres. 1No Lime (T6) reduce crown in height by 3 metres, North sector by 4 metres to leave tree height at 9 metres and spread at 9 metres. 1No Lime (T7) reduce crown in height by 2 metres, North sector by 4 metres to leave height at 14 metres and spread at 5 metres. 1No Oak (T8) reduce crown overall by 4 metres, remove lowest East facing limb by 15 metres, remove lowest West facing limb by 10 metres to leave crown height at 15 metres and spread at 12 metres. Trees subject to TPO 1838., PERM,26/05/2022

3 Proposal

The proposal is for the construction of an outbuilding to be used to store, repair and maintain a boat. It would also be used for other forms of storage. The proposed outbuilding would be a rectangular shape having a width of approximately 6.5 metres, a depth of approximately 15 metres and a mansard roof having a height of approximately 5 metres. The proposed outbuilding has been reduced in depth and height due to concerns of its size in relation to the neighbouring properties.

4 Policy Considerations

National Planning Policy Framework
 Havant Borough Council Borough Design Guide SPD December 2011
 Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1 (General Design Policy)
ENP_D2 (Height, Mass & Materials)
ENP_D3 (Layout, Form & Density)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturist

No Objection, subject to conditions

Reasons for Recommendation

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The application is for the construction of a detached shed to accommodate a boat and water sports equipment, but to allow maintenance work to the boat the shed is unusually tall. The location of the shed is to be in the eastern side garden, which has been recently cleared of 24 trees subject to TPO 1838 by consent in application APP/21/01060.

The removal of the trees opened up the site, but any potential development has to take into consideration the surrounding trees. Following pre-application advice, the applicants has commissioned a Tree Survey and Arboricultural Impact Assessment (AIA).

The AIA outlines the potential impact of the development on the surrounding trees, the method of works to minimise harm to the trees and tree protection measures to be employed pre, post and during construction, in accordance with BS5837:2012. The AIA identifies the need to crown lift T18 and the need to construct the shed above ground level to comply with Flood Risk Assessment requirements, which also benefits the trees by minimising disturbance to tree roots.

The AIA also stipulates the need for measures to contain cement leachate during the construction of the foundations and that no underground services (including soak-aways) shall be located in any part of the Construction Exclusion Zones or Restricted Activity Zones. Although the development does extend into the Root Protection Area (RPA) of surrounding trees, it would only impact the edge of the RPAs and this would not have a significant detrimental impact on the surrounding trees.

Based on the information submitted, if the officer was minded to grant permission the potential impact of the surrounding trees should be secured by way of condition, and would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommendation:

Approval subject to the following conditions;

Pruning works:

Any required tree works shall be pruned in accordance with the with BS5837:2012: Tree Survey and Arboricultural Impact Assessment (23_5837_07_36) provided by ROAVR Group and the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Tree protection measures:

The development hereby permitted shall only be carried out in accordance with BS5837:2012: Tree Survey and Arboricultural Impact Assessment (23_5837_07_36) provided by ROAVR Group.

Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Councillor Grainne Rason

No Comment.

Councillor Lulu Bowerman

No Comment.

Councillor R Kennett

No Comment.

Countryside Access Team

General Information, no comments specific to application

Thank you for consulting Hampshire Countryside Service (HCS) as Highways Authority regarding Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

There are specific legislative requirements for the Highways Authority, Planning Authority, Developers and Landowners with respect to the PROW network. Where no changes are proposed to Public Rights of Way, the Planning Authority shall be aware of the following, and we request that the applicant is made aware of the following requirements through informatives where appropriate.

Informatives:

1. Where Public Rights of Way are close to application sites or are used for access to the development site, they must be shown on the submitted plans with details of how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such information has been submitted.
2. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.

3. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the PROW at all times.

4. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process, which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 of the TCPA (1990) will invariably be made or confirmed. Development, in so far as it affects a PROW, must not be started and the PROW should be kept open for public use, unless or until the necessary order has come into effect.

5. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highways Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of public safety.

6. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highways Authority. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

7. No works to the surface of the Public Right of Way shall be carried out without prior approval of the HCS Area Countryside Access Manager. Any damage caused to the surface of the Public Right of Way by construction traffic will be required to be restored to the satisfaction of the Area Countryside Access Manager on the completion of the build. Should the Planning Authority or applicant wish to discuss further any point above, they are welcome to contact HCS via countryside.planning@hants.gov.uk.

Developer Services, Southern Water

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

[uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works

commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

Emsworth Residents Forum

No Comment.

Open Space Society

No Comment.

Southern Gas Network

Thank you for your enquiry indicating your proposed works. Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our high pressure assets will not be affected by the proposal based on the information submitted.

I would like to draw your attention to the original letter you would have received from our Scotland based plant location team with particular reference to the paragraphs detailing the potential of low / medium / intermediate pressure mains as well as other gas transporter assets being in the vicinity of your works.

For your records I enclose a copy of a plan showing the route of the High Pressure pipeline and a copy of SGN's safe working in the vicinity of pipelines and associated installations (SGN/WI/SW2). Should your proposal change please contact us immediately and we will review accordingly.

Please let me know if SGN can supply you with technical or other information that may be of assistance to you in carrying out your works

Environmental Health

No Comment.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
Original Plans Overdevelopment of area intended to be preserved as protected woodland	Please see Section 7.

Concerns with the previous building approved on site	Each application has been considered on its own planning merits
Allowed to clear 25+ trees including TPOs under the conditions it was to make a 'woodland garden' this is not the case	Planning permission was given under APP/21/01060 for the felling of 24 trees. There was no condition relating to how the area should be used. Under planning application APP/16/00649 permission was granted for change of use of protected woodland to residential garden
No reason for the building to be 6.3m high. Creates view of building.	Please see Section 7.
Would be much taller than all the bungalows causing overshadowing issues	Please see Section 7.
Managed with a marquee 3m tall to house their boat. What would happen to the intended 'shed' if boat is sold?	Please see Section 7. The use of the building would be controlled by condition to be incidental to the main dwelling and not be used for any business purposes or self contained accommodation, if permission is granted.
Revised Plans	
Still think it is too large	Please see Section 7.
Supposed to be left as a woodland area	Please see Section 7.
Where has the sound barrier gone now most the trees have been removed.	This is not a material planning consideration
Structure higher than the houses within Westbourne Avenue	Please see Section 7.
Looks like an industrail unit	Please see Section 7.
Could be used as a house	Please see Section 7.
Drainage concerns	This would be dealt with under Building Control
Impact on trees	Please see Section 7.
Possible flooding	Please see Section 7.

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development

- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Impact on trees
- (v) Drainage matters
- (vi) Flood risk
- (vii) Other matters

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

7.3 The proposed outbuilding would have black cement board cladding and clay/concrete roof tiles to match the existing dwellinghouse. This would be inkeeping with the context of the main dwellinghouse and the character of the area.

7.4 The proposed depth and height of the outbuilding has been reduced from 16 metres and 6.3 metres which needs to be considered in relation to the plot size which covers a large area. Due to the plot size and justification for the need for the height of the proposed outbuilding to provide servicing of a boat it is considered, on balance, to be of an appropriate size. It is also worth noting it would be partly screened by the existing trees surrounding the plot. The applicant's agent confirmed the use of the outbuilding would be used in connection to the main dwelling and would not result in a commercial business being operating from the site. If permission is forthcoming a condition regarding its use to remain incidental to the main dwellinghouse has been recommended.

7.5 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

7.6 The proposed outbuilding would be partly screened by the surrounding trees along the perimeter to the north. Due to potential impacts on the neighbouring properties to the north enhanced screening along the northern boundary was explored. However, it was found further planting has already taken place in the form of a laurel hedge. Once this hedge has been established it is considered to offer further screening to the properties to the north, which is desirable, albeit not essential to the determination of the application. Furthermore, the proposed outbuilding is considered to be an appropriate distance away from No.s 5,6,7 Westbourne Close to the north not to have a harmful impact, therefore deemed acceptable.

7.7 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Impact on trees

7.8 The application site is located within a TPO woodland area, which to a greater degree

has recently been cleared following the removal of 24 trees subject to TPO 1838 by consent granted by reference APP/21/01060. The Council's Arboriculturist commented on the application raising no objection subject to conditions. The pruning works condition is not considered to meet the tests for conditions and as such has been recommended as an informative. The condition requested for the proposed works to be in accordance with the Arboricultural Impact Assessment and Tree Survey has been recommended.

(v) Drainage matters

- 7.9 Southern Water commented on the application raising no objection. If permission is forthcoming an informative would be added to the decision.

(vi) Flood risk

- 7.10 The application would be classed as a 'minor development and according to the National Planning Practice Guidance (NPPG) unlikely to cause flood risk unless they would have an adverse effect on a watercourse, floodplain or its flood defences; they would impede access to flood defence and management facilities, or; where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows. The proposal should not affect these areas.
- 7.11 The application site is located within Flood Zone 2/3. The applicant's submission confirms that floor levels within the proposed development will be set no lower than existing levels and flood proofing of the development will be incorporated where appropriate. The proposed development is classed as minor development and unlikely to increase the risks associated with flooding to the site and elsewhere and therefore accords with policy CS15 of the Core Strategy.

(vii) Other matters

- 7.12 Comments were received from SGN and Countryside Access and therefore appropriate informatives are recommended to draw the applicant's attention to the matters raised.

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area and would have a limited and acceptable impact on the neighbouring properties and protected trees. The proposal would also be acceptable in flood risk terms. On this basis it is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00671 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

Site Layout Plan 1 - 105.29

Site Layout Plan 2 - 105.30

Site Layout Plan 3 - 105.31

Proposed West Elevation - 105.25

Proposed East Elevation - 105.26

Proposed North Elevation - 105.27

Proposed South Elevation - 105.28

Flood Risk Assessment

Tree Report

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities 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.

- 4 The outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse and shall not be used as a separate dwellinghouse, nor for any business or commercial activities which are not wholly incidental to the enjoyment of the dwellinghouse.

Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development hereby permitted shall only be carried out in accordance with BS5837:2012: Tree Survey and Arboricultural Impact Assessment (23_5837_07_36) provided by ROAVR Group.

Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.