

Recommendation: **GRANT PERMISSION**

54139/001 Outline application - Residential development of up to 56 dwellings, open space, landscaping, access, the demolition of 149 Lovedean Lane and associated works (part of application site within Havant Borough Council) (Access only to be considered) - Planning Committee Resolution to grant Outline Permission, pending completion of S106 legal agreement.

54139/002 - New access onto Lovedean Lane together with the demolition of 149 Lovedean Lane and associated landscaping to serve residential development proposed under planning application 54139/001 (East Hampshire) and APP/20/00455 (Havant) - Permitted 26/1/21.

3 Proposal

The application is made in full for the access arrangements to serve land to the west, which is allocated for housing in the East Hampshire District Local Plan. The access proposals reflect the details submitted in a recent application APP/20/00455, and the East Hampshire parallel application (54139/001) which is an outline scheme for up to 56 dwellings. That application included full details of the access arrangements and has resolutions to grant permission subject to completion of a legal agreement. The applicant is submitting this planning application for the access to ensure access layout works can be carried out without waiting for reserved matters approval of the housing to assist with the development works timetable.

The application contains information regarding the works expected to be carried out on Lovedean Lane associated with the overall development as part of the S278 highway works package. This includes two new pedestrian crossing points on Lovedean Lane, together with revised signage, road markings and relocation of street furniture as necessary.

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

CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF. This confirms that weight may be given to policies in emerging plans depending on a number of factors. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded limited weight, dependent on the extent of objection received during the consultation process.

The relevant planning policies of the emerging Local Plan are:

- DR1 - Delivery of Sustainable Development
- DR2 - Regeneration
- IN1 - Effective Provision of Infrastructure
- IN2 - Improving Transport Infrastructure
- IN3 - Transport and Parking in new development
- IN5 - Future management and management plans
- E1 - High Quality Design
- E2 - Health and wellbeing
- E3 - Landscape and settlement boundaries
- E9 - Provision of public open space in new development
- E12 - Low Carbon Design
- E13 - Historic Environment and heritage assets
- E14 - The Local Ecological Network
- E15 - Protected Species
- E16 - Solent Special Protection Areas
- E17 - Solent wader and Brent Goose feeding and roosting sites
- E18 - Trees, hedgerows and woodland
- E19 - Managing flood risk in new development
- E20 - Drainage infrastructure in new development
- E22 - Amenity and pollution
- H1- High Quality Homes
- H2 - Affordable Housing
- H3 - Housing Density
- H4 - Housing mix

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No response to Havant application, however raised no objection to identical East Hampshire application 54139/002

Building Control, Havant Borough Council

No comments, demolition work appears to be in EHDC area.

Conservation Officer

No Objection - The application site is located in close proximity to a non-designated heritage asset - Cottage Farm Barn Stables, 143 Lovedean Lane. The new access to the housing development would require the demolition of No. 149 Lovedean Lane. It is considered that this loss of this dwelling would not result in harm to the heritage asset at No. 143 due to the separation distance and intervening dwellings.

Councillor David Jenner

No response

Councillor E Shimbart - Hart Plain

No response

Councillor P Bains - Hart Plain Ward

No response

Countryside Access Team

No Objection

Southern Water

No Objection subject to infomatives

East Hampshire District Council

No response

Officer comment: *Notwithstanding the lack of consultation response, it should be noted that EHDC granted permission for its parallel application for the same development on 26/01/21.*

Hampshire Highways

No objection subject to conditions The proposed access has been fully assessed, taking into account submitted plans and associated information such as vehicle tracking, and there are no objections in principle from a highway perspective.

As referenced in planning application 54139/001 and APP/20/00455, subsequent S278 approval will be required prior to implementation and this requires additional information such as formal engineering drawings to be submitted. Details of the S278 process can be found via the following link:

<https://www.hants.gov.uk/transport/developers/constructionstandards>

Landscape Team, Havant Borough Council

No Objection - subject to conditions

Open Space Society

No response

Portsmouth Water Company
No Objection

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: 25

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

The letters of objection have been received raising the following concerns:

Summary:

- a) Concern at the proposal for an illuminated 'Give Way' sign resulting in urbanisation and light pollution
- b) Extra urbanisation from the pedestrian crossing and any associated bollards and signage is not appropriate to the area
- c) The location of the proposed access is dangerous being opposite Yoells Lane
- d) Traffic speeds on Lovedean Lane regularly exceed 40mph
- e) The area has become urban and the development of the last remaining green space in the area will destroy a once quiet semi-rural village.
- f) Flooding is a major issue at this point in the road

Comment: The matters raised above are addressed in the officers report below.

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on highway safety
- (v) Drainage and flood risk
- (vi) Impact on trees

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposed vehicle access at 149 Lovedean Lane would serve land that is allocated in the East Hampshire Local Plan Second Review for housing. A recent outline planning application (with access for detailed consideration) was submitted last year and has a resolution to permit subject to completion of a legal agreement. In addition the parallel application at East Hants (ref: 54139/001) has a resolution to grant planning permission subject to the legal agreement. That legal agreement is now agreed between the parties but at the time of determining this application, is awaiting all parties to sign.

The majority of the access to the site is within East Hampshire's administrative area and a concurrent application for the works within EHDC was approved on 26/1/21 under ref 54139/002. The detailed access proposals submitted by this application are the same as submitted in the other outline and full applications and have thus already been established as acceptable; the reason given by the applicant for submitting this application is to enable the applicant to form the access to fit with their timetable of works for the site ahead of the determination of a reserved matters application approval. Such works would enable the developer to access the site during the drier months which is important at this site due to the ground conditions.

Notwithstanding the outline planning application and the resolution to approve it, coupled with EHDC's approval of related application 54139/002, the principle of the access to serve land allocated for housing is considered acceptable and accords with the housing strategy of the Development Plan. The proposal would necessitate the demolition of an existing bungalow, which is located in East Hampshire, and the principle of this loss is a matter for East Hampshire have considered when approving application 54139/002.

(ii) Impact upon the character and appearance of the area

The proposed access would result in the removal of 149 Lovedean Lane. This property comprises a mid-twentieth century bungalow and its demolition would not harm the character and appearance of the area. The proposed vehicular access comprises a bell-mouth road with pavement either side of the road. The access would be seen in context with existing highway infrastructure and development would have a benign impact on the character and appearance of Lovedean Lane. The road surface would comprise permeable pavements, which is consistent with the nearby residential development to the north.

The proposed access would result in some urbanising features in forming the junction and associated signage, however, the access would be visible from a relatively short section of Lovedean Lane and from Yoells Lane only and would be seen in context with other roads, driveways and residential development. It is considered the access would result in a relatively benign change to the character and appearance of the area, however, details of landscaping should be secured through a condition to soften the impact and harmonise the access with the area. The third-party concerns raised regarding street signage, bollards and street clutter are noted, however, such highway signs are not subject to planning control. The resolution in respect of the outline application was subject to a condition to secure landscaping details, which would have included the access area and so a landscaping condition is recommended.

(iii) Impact upon residential amenity

The proposed access would be positioned between 147 and 151 Lovedean Lane, these properties would be most affected by noise generated by the use of the access. The access road would have pavements to either side and verges between the pavements and the boundaries of 147 & 151 Lovedean Lane and 1 Old Barn Gardens. However, the level of impact would be comparable to many roads (including Yoells Lane opposite) where properties are situated adjacent to roads and the impact is not considered to result in unacceptable harm.

(iv) Impact on highway safety

As mentioned above, the access proposals are the same as the recent outline application. The following comments from the outline application remain applicable.

"Lovedean Lane is a 'C' class road, subject to a 30mph speed limit. The proposed access would result in a junction with Lovedean Lane and opposite Yoells Lane. A traffic survey has been undertaken, which recorded north and southbound speeds of 34mph (85th percentile). The visibility splays of 2.4m by 59m are considered acceptable by the Highway Authority based on the recorded speeds. The Highway Authority also advise that the relationship of the proposed access with the junction with Lovedean Lane / Yoells Lane would not cause conflict. Swept path analysis shows that a large car can enter the junction whilst a car is waiting at the stop line. A swept path drawing for a large refuse vehicle demonstrates that a large HGV would be able to access the site.

The Transport Statement is supported by a Stage 1 Road Safety Audit, which does not raise any severe safety concerns regarding the proposed access layout. Furthermore, Personal Injury Accident data shows there have been no recorded accidents at the junction of Yoells Lane and Lovedean Lane and whilst a number of the representations received comment on highway safety, it is considered there are no existing safety issues with the road and that the proposed access is acceptable.

Traffic generation and impact of the proposal on the local road network

The Transport Statement assesses the level of traffic generation that would arise from the development. Using industry standard TRICS data, the development would result in an additional 32 peak AM and 31 peak PM vehicle movements (two-way). The Highway Authority advise that these levels are acceptable. The Highway Authority also advise that the surrounding road network would not be severely impacted by the development and the road network would continue to operate within capacity."

In response to this application, the Highway Authority confirm they have no objection and the proposal is considered to accord with policy.

(v) Drainage and flood risk

The applicant has submitted the Flood Risk Assessment that was submitted as part of the outline application. The applicant acknowledges that there is a risk of 130mm depth of surface water in the carriageway at the low point of the proposed access, but states this would not prevent vehicular or emergency access. The proposal is not considered to result in unacceptable flood risk, however as the outline application is subject to a drainage condition, a condition to secure details of the access area is considered appropriate. Details of drainage for the wider housing site would be addressed in full detail as part of the suite of full drainage details required for the discharge of conditions on the outline scheme, which would be discharged in consultation with the Environment Agency, Portsmouth Water and the Local Lead Flood Authority.

Subject to the conditions set out below in respect of drainage and groundwater protection, the proposal is considered acceptable.

(vi) Impact on trees

The application is submitted with an Arboricultural Assessment and Tree Schedule and the Arboricultural Officer raised no objection to the identical East Hants application 54139/002, subject to a condition. As such the proposal is considered acceptable and complies with the relevant policies of the Local Plans.

8 Conclusion

The proposed access replicates the access proposals detailed in the recent outline planning application that has a resolution to permit, subject to completion of a legal agreement. Parties have now agreed to the legal agreement and at the time of determining this application, it is awaiting signatures before completion and enabling the outline decision to be issued. The application is submitted to enable the applicant to fit in highway works within the summer months and so could not wait for the outcome of a reserved matters application. Notwithstanding the outline application, the proposal is for an access to serve land that is within the settlement policy boundary, therefore the principle of a means of access to the land is acceptable. The detailed proposals are agreed by the Highway Authority and the proposal would have an acceptable impact on the character and appearance of the area. The proposal would not result in unacceptable harm to the amenity of surrounding property and would not increase flood risk.

- 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 Other than works for the demolition of the existing dwelling, no development shall commence on site until details of a scheme for surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from hard surfaced areas to prevent surface water from discharging onto the highway and should ensure no increase in existing surface water flood risk to the site or surrounding land. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.

Reason: To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission, having due regard to policies and proposals CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The development hereby approved shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless a suitable alternative species are otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development hereby permitted shall not be brought into use until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 59 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plan shall be kept free of any obstruction exceeding 0.6 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access with sufficient levels of visibility in the interests of highway safety having due regard to policies CS11 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to the installation of any lighting, a detailed lighting strategy shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include the siting, height, lamp fittings and luminance of the proposed lighting. The lighting shall be installed in accordance with the approved details and retained to the agreed specification thereafter.

Reason: In order to protect the character of the area and the amenity of adjoining property in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 All works hereby permitted shall be carried out in strict accordance with the Arboricultural Assessment & Method Statement (Barrell Tree Consultancy, May, 2020).

Reason: To ensure that trees adjoining the site are adequately protected from damage to their health in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

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

Application form
Arboricultural Assessment
CIL form 1
Ecology response
Location plan
SGN Manual
Flood Risk Assessment
Tree Schedule
Off site works
Article 13 notice
Covering letter
Drg no. 32-D - Section 278 General arrangement

Reason: - To ensure provision of a satisfactory development.