
Site Address:	17 Billett Avenue, Waterloo, PO7 7SZ		
Proposal:	Increase of existing driveway and renewal of existing driveway surface. (Retrospective).		
Application No:	APP/19/00936	Expiry Date:	26/03/2020
Applicant:	Mr Lock		
Agent:	Mr Broggan	Case Officer:	Denise Sheath
	Fingerprintstudios		
Ward:	Waterloo		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

17 Billett Avenue, Waterloo, is a large detached two storey dwellinghouse situated at the eastern end of Billett Avenue along a privately owned road. The dwellinghouse is positioned on sloped land from east to west and north to south and is constructed of facing brickwork with a tiled roof. The property has a hardsurfaced area to the front and north of the dwelling with the availability of parking several vehicles.

2 Planning History

98/63233/000 - Extension to existing paved drive/parking area. - REF: 21/05/1998

98/63233/001 - Extension to existing drive/parking area (revised application). PERM: 05/08/1998

05/63233/002 - Culverting of existing stream. PERM: 29/03/2006

07/63233/003 - Crown reduction of 30% a Common Oak tree (T3); reduction of lateral limbs of a Common Yew tree (T4) extending over garden by 4.5m; both subject to TPO 1209. PERM: 08/11/2007

97/53509/011 - Erection of one dwelling utilising existing private drive access to Billett Avenue together with landscape proposals for the whole site including the stream corridor and the extension of the garden of 14 Bramley Close (revised application), PERM:17/07/1997

APP/14/00744 - Retention of raised platform to form decking and steps. PERM: 20/11/2014

APP/15/00386 - Reduce 1No. Multistem Maple by 4m in height and south and east sectors by 4m; reduce 3No. Yew by 1.8m in height and south and east sectors by 1.8m; reduce 1No. Maple by 3m in height and south and east sectors by 3.8m. Remove any dead, crossing or epicormic branches. All within A1 of TPO 1201. PERM: 27/05/2015

APP/17/00546 - Two storey side and rear extension. Single storey extension over existing ground floor conservatory (approved 17.07.17). Request to discharge condition 3 and 4 (24.05.18). PERM:17/07/2017

3 **Proposal**

Increase of existing driveway and renewal of existing driveway surface.
(Retrospective).

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Arboriculturalist

I have visited the above property and my comments are:

There are trees protected by TPO on this property and on adjoining land. An Arboricultural Method Statement is required for the installation of the soakaway to ensure that trees are properly considered. The Yew tree at the front of the property appears to be under some stress possibly due to the installation of the driveway. It would be beneficial if the yew tree could be fed in the spring to aid in its recovery. Something like Bonemeal would be appropriate.

Officer Comment:

Soakaway was removed from the application and an email was received to confirm the Yew tree could be fed in the spring to aid in its recovery

Further comment from Arboriculturalist:

Thank you for the update. I don't need any further information.

Drainage Engineer

I have no comments on the basis that the EA are happy. I am unsure what the issue with the neighbour might be as it appears that rainwater will flow off the new car park / access before reaching the next house down the hill.

Developer Services, Southern Water

Southern Water shall have no objections to the above proposal.

Please find attached a plan of the sewer records showing the approximate position of a public sewers within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- The 300 mm diameter foul sewer require a clearance of 3 metres either side of the sewers to protect it from construction works and to allow for future access for maintenance.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

- All existing infrastructure should be protected during the course of construction works. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Furthermore, 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: developerservices@southernwater.co.uk

Environment Agency

Original Comments

Thank you for the consultation on the above application, please quote our reference on all correspondence.

We have reviewed the information as submitted and have the following comments.

Environment Agency position We have no objection to the retrospective application for the increased driveway area and surface renewal on flood risk grounds as submitted. However, with regard to the soakaway installation and in the absence of an acceptable flood risk assessment (FRA), we would object to that part of the application and recommended that planning permission is refused.

Reason We consider the proposal for the increased driveway area and surface renewal acceptable in flood risk terms as the activities within the application are unlikely to increase flood risk. There is no change in usage proposed and as a result no change in its vulnerability class. We therefore consider the proposal acceptable. However, the soakaway will require an acceptable FRA and an Environmental Permit if it is within 8m of the main river as seen below.

Soakaway installation

Advice to LPA The DESIGN_ACCESS_STATEMENT-1209994 submitted with the application states on page 3 that "the proposed soakaway will be located outside of the flood risk area". This statement is incorrect as it does fall in to both Flood Zone

2 and 3 according to the EA models and the submitted map EXISTING_AND_PROPOSED_DRIVEWAY-1209993. Therefore, we recommend permission to install the soakaway is refused until an acceptable FRA is submitted.

Advice to the applicant Planning permission does not remove the requirement for an Environmental Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Officer Comment:

The Agent carried out a Flood Risk Assessment of the site and removed the soakaway from the application.

Further Environment Agency Response following removal of Soakaway and receipt of Flood Risk Assessment:

We confirm that we are satisfied with the submitted Flood Risk Assessment, and have no further comments to make regarding this application.

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: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
It is a shame that this is the 2nd recent project that neither consulted the neighbours nor sought planning approval before work started. Our concern is that of drainage, not on the driveway surface for which soakaways have been added but of flow down Billett Avenue during a storm (especially as extreme events seem to be on the increase). This and other recent works has raised the curb on the corner diverting the flow towards my property which will increase its risk of flooding. The small channel drain will have no effect on this. If we had been consulted we would have suggested installing a large storm drain on the tarmac roadway to manage excess flow; an intervention which would have been easy to incorporate into the scheme. We are disappointed that this opportunity was not taken as a neighbourly act and our property now has an increase in water flow heading towards it.	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) Flood Risk
- (v) Effect on the TPO Trees

(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 application is a retrospective application which extended the original hardsurfacing of the driveway to the north elevation (front and side), permitted development for Part 1 of Schedule 2 Class A, B, E and F was removed as part of the original planning permission (95/53509/006) for the properties (No.s 17, 18 and 20) in

the interests of the future vitality and future health of the protected trees on the site and amenities of the adjoining neighbouring properties. The Councils Arboricultural officer was consulted as part of this application, after the initial consultation and concerns raised regarding the Yew tree (T4) subject to TPO 1209 to the front of the driveway it was confirmed by the Agent that the tree would be fed in the spring to aid in its recovery as suggested by the Arboricultural Officer.

- 7.4 The proposed works which have been carried out are visible from the public realm, the materials which have been used match those on the existing driveway and would not cause adverse harm with regard the impact on the character of the area, many of the properties have a hardsurfaced frontage therefore the proposal would not be out of keeping with the area.
- 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 neighbouring properties to the rear are a distance of over 24m from the hardsurfaced driveway to the boundary, they are screened by the dense row of trees to the rear boundary and the fencing surrounding along the east elevation of the property, any impact the proposal would have upon these properties would be acceptable.
- 7.7 To the north of the application is land which has been granted planning permission for the development of 4No. residential properties, these properties will be a significant distance from the proposed hardsurfaced drive way and are screened by the boundary treatment, therefore any impact the driveway will have upon these properties would be minimal and acceptable.
- 7.8 The hardsurfaced driveway will have a minimal impact to the neighbouring property to the front (west) elevation, therefore any impact is acceptable.
- 7.9 The adjoining neighbouring property to the side (south No.19) has a distance of over 30m from the proposal and is screened by the boundary treatment along the shared boundary therefore the impact upon this neighbouring property is acceptable
- 7.10 A Concern has been raised with regard to drainage and flow of water during a storm, the Environment Agency and Drainage Engineer were consulted as part of this application and no issues were raised with regard to this matter the commented included that it would appear that rainwater would flow off the new car park / access before reaching the next house down the hill.
- 7.11 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking 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) Flood Risk

- 7.12 The site is adjacent to a river and partly within flood zones 2 and 3 although the hardstanding itself is already raised and the FRA states that it is not in flood zone 3.

The Environment Agency were consulted and had initial concerns regarding the soakaway and requested a Flood Risk Assessment was submitted as part of the application, the Agent removed the soakaway from the application and submitted a Flood Risk Assessment. The Environment Agency further commented they are satisfied with the submitted Flood Risk Assessment, and have no further comments to make regarding this application. An informative in relation to works close to a watercourse is recommended.

(v) Effect on the TPO Trees

- 7.13 The Arboricultural Office was consulted as part of this application, initial concerns were raised regarding the effect on the Yew tree to the front of the property, the agent has agreed to feed the Yew tree (T4) subject to TPO 1209 into the spring to aid in its recovery and the Arboricultural Officer was satisfied with this response.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for Retrospective approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/19/00936 subject to the following conditions

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

Application Form - Received 23 September 2019
Design and Access Statement - Received 18 May 2020
Existing and Proposed Driveway - Drawing No. 100 Rev 03 - Received 12 May 2020
Existing Driveway Section - Drawing No. 101 - Received 12 May 2020
Flood Risk Assessment - Received 30 January 2020
Confirmation to Feed Yew Tree into Spring - Received 24 April 2020

Reason: - To ensure provision of a satisfactory development.