

Recommendation: **GRANT PERMISSION**

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS9	(Housing)

DM10 (Pollution)
 DM12 (Mitigating the Impacts of Travel)
 DM13 (Car and Cycle Parking on Residential Development)
 DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
 DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Arboriculturalist

No adverse comments.

Landscape Team.

From a landscape perspective we have no adverse comments in relation to 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:22

Number of site notices: one

Statutory advertisement: Not applicable.

Number of representations received: 6

Comment	Officer Comment
I note that the application seeks approval for block paving but some of the documents refer to erecting a concrete shed.	The unauthorised shed has been removed and is not the subject of the current application.
Concerned about the impact on the trees from the additional hardsurfacing.	Please see section 7
Continuous noise and also heavy lorries using the road for deliveries which has significantly contributed to its current deteriorated condition.	Noted. The road is private and this is a private matter.
Residents were advised that allocated visitor parking was provided in the cul-de-sac, and originally signed on site	The permission to develop the site predates the Adopted Parking Standards (27 July 2016) which with

as such. This signage has now been removed but the area of the proposed additional parking for No.6, which already has more than adequate parking could be used to provide visitor parking.	the exception of small residential developments requires an additional 20% of unallocated parking for visitors. However, as the planning approvals for the development pre-date this requirement and satisfied the parking requirements applicable at that time, it is not possible to retrospectively require visitor parking under the current application.
Concern No.6 would want to fence and gate across the bottom of that strip of road.	A further planning application would be required for these works.
We are now in the position of having very little space to manoeuvre at the bottom end of the close and no visitor parking. To loose further road space at the lower end of Arun Close would impact heavily on all residents beyond No.4 with regard to vehicle access and egress from their properties, and further diminish the space for turning and parking.	Please see section 7
The matter of turning and parking has detracted from the community based ambience of the close itself and created a segregation zone. I would therefore object to any alteration to the distribution of land ownership.	Please see section 7
Failure of the builder to complete the development as per the plans has adversely affected the visual development of the road.	Please see section 7
The road is currently owned by the builder, although with all residents having a right of acquiescence to their property. As such, I believe that any change of use in regards to a shared matter must have consent from each and everyone involved - something of which is not the case at present.	This part of the site is not part of the communal area.
The area of the additional parking for no.6 borders the existing drive and parking spaces for no.6, and it use for visitor parking would block the parking provision for No. 6. The driveway has	Noted

on occasions been blocked preventing accessing to No. 6 and this and use of general traffic for turning in close proximity to No. 6 is causing nuisance and disturbance.	
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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) Developer contributions

(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.

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

The area of the additional hardsurfacing is located at the western end of the site and was not previously proposed to be developed for parking or garden area owing to the presence of mature oak trees covered by a Tree Preservation Order. The development the subject of this current application was carried out contrary to the approved plans and the application has been submitted following an enforcement enquiry.

The Council's Arboriculturalist has visited the site and reviewed the Arboricultural Impact Assessment which demonstrates that the impact on the TPOed oak trees (which have been retained) is acceptable, and raises no objection. The main impact on character relates to the visual impact of the extended hardsurfaced area and associated boundary treatment on this part of the site. The works have resulted in a substantial area of hardsurfacing mainly bounded by 1.8m close boarded fencing. In order to soften the impact of this the plans have been amended to provide some additional landscaping in the form of Proposed cistus 30-40cm in height at a density of 3/m². Whilst this is not extensive it will help to soften the impact and it is adequate for this end of cul - de - sac location.

Overall the design and appearance of the proposal is deemed appropriate in context to the surrounding area 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) Impact upon residential amenity

The representations refer to issues with parking and turning. In particular the boundary fence between Nos 5 and 6 was incorrectly sited obstructing access to the drive to No. 5. It is now shown to be set back in accordance with the originally approved plans, and this will need to be conditioned. In respect to visitor parking for the cul-de-sac the approved plans did not provide for allocated visitor parking and therefore there are no

grounds for requiring the applicant to provide this as part of the current application.

Reference has been made to the use of the extended turning area alongside No. 7 to be designated as visitor parking, however, this area does not form part of the current application site. The turning head in this location is required for general turning including the manoeuvring of fire appliances. Its use for visitor parking would require a further planning application and it would need to be demonstrated that the required fire appliances turning could be provided or was not required. However, as it does not form part of the current application it is not something that can be considered here.

In respect to residential amenity, the proposal will provide improved parking for the occupiers of No. 6, and the parking provision for the other dwellings within this cul-de-sac will be as previously approved. Therefore it is considered that the impact on residential amenity as a result of the current proposal is acceptable. In order to provide clarification on the ground the plans show the introduction of red pavements between the carriageway and the private areas to a precast concrete kerb with a 25mm upstand and this together with the landscaping will need to be conditioning to ensure it is provided on site.

It is considered that the proposal does not adversely impact the parking and turning provision previously approved, having a limited and acceptable impact on the properties served by Arun Close, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Developer contributions

As a S73 application relating to residential development, regard must be had to the potential liability of the site to both Solent Recreation Mitigation Strategy contributions and the Community Infrastructure Levy.

On the former issue, in determining the previous applications on this site, the Council conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning applications were then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant entered into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this was sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.

This new application makes no changes to the scale or nature of the residential development, so the previous conclusions of the HRA are considered to be still valid and the need for mitigation has been addressed through the earlier applications.

With regard to CIL, the earlier applications' CIL liability is understood to have been met in full. This S73 application does not alter the floorspace of the dwellings to which it relates and therefore the CIL liability remains as previous. The CIL team will need to write to the applicant confirming this, however.

8 **Conclusion**

The proposal would have limited and acceptable impact on visual amenities and neighbours properties and is therefore considered to be appropriate and recommended for conditional approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00671 subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Agents email (Kalotec Ltd) dated 22 January 2019
Amended Landscaping Plan Dwg no 2018.LP.07 Rev A.
Reason: - To ensure provision of a satisfactory development.
- 2 Within 3 months of the date of this permission the landscaping shown on the approved plans comprising the Amended Landscaping Plan Dwg no 2018.LP.07 Rev A and supplemented by the Agents email dated 22 January 2019, shall be implemented in full accordance with the approved details. Any plant or shrub planted 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 CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 No dwelling shall be occupied until space for the parking of vehicles has been provided within each site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no extensions, alterations, buildings or structures permitted under Schedule 2, Part 1, Classes A, B, C and E of the Order shall be constructed at or erected within the curtilages of the dwellings hereby permitted without the prior approval in writing of the Local Planning Authority.
Reason: To enable the Local Planning Authority to maintain control of such additions in the interests of the character and appearance of the development and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.

- 5 Within 3 months of the date of this permission the first section of the fence between Nos 5 and 6, comprising a length of 950mm shall be removed in accordance with the approved plans and details comprising the Amended Landscaping Plan Dwg no 2018.LP.07 Rev A and supplemented by the Agents email dated 22 January 2019, and the fencing arrangement shall be retained as such thereafter.

Reason: To ensure the appearance of the development is satisfactory and prevent obstruction to the drive to No. 5 Arun Close and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Within 3 months of the date of this permission the works to provide the demarcation of the boundary between No. 6 Arun Close and the communal area shall be carried out in accordance with the approved plans and details comprising the Amended Landscaping Plan Dwg no 2018.LP.07 Rev A and supplemented by the Agents email dated 22 January 2019, and the installed kerbing shall thereafter be retained.

Reason: To ensure the appearance of the development is satisfactory and to identify the boundary between private and communal area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.