

Recommendation: GRANT APPROVAL OF RESERVED MATTERS

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)

CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Coastal Engineering

No comments received

Engineering Services, Havant Council

Works within easement of main river will require EA formal approval

Environment Agency

We have **no objection** to the reserved matters application as submitted.

Please note that we recommended a planning conditions in our response to the outline application (our reference HA/2018/120362/03 dated 20 August 2018). Please consult us on any applications for the discharge of those conditions.

Langstone Harbour Board

No comments received

Natural England

Natural England has no comments to make on this application. Our responses dated 25th July (consultation number 252091) and 9th May (consultation number 244753) still stand.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

Previous comments in relation to planning application APP/18/00380:

25th July 2018

We recommend that a Biodiversity Mitigation and Enhancement Plan is submitted and agreed with the Hampshire County Council Ecologist. This should include both mitigation and enhancement measures during construction and post-construction to ensure habitats and species are protected and enhanced, and net gain in biodiversity is achieved.

Natural England encourages all new development to adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

9th May 2018

Summary:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

This application site is within 5.6km of the Chichester and Langstone Harbours SPA and will lead to a net increase in residential dwellings. Natural England is aware that Havant Borough Council has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy.

Provided that the applicant is complying with this policy and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of recreational disturbance on the integrity of the European site(s).

Officer Comment these responses were considered in relation to the outline planning permission and mitigation secured.

County Ecology

Final Comments:

The submitted Wildlife Protection and Habitat Enhancement Scheme (David Leach, February 2019) provides an acceptable way forward for addressing the serious damage carried out to semi-natural habitats at this site. Provided that the measures detailed within this scheme are implemented in full at the earliest opportunity I am content that the submission allows the discharge of Condition 10.

Officer Comment: This condition was imposed in relation to the Outline Planning Permission APP/18/00380.

The Environment Agency have confirmed that the submitted details are satisfactory and that, separate to planning consent, a Flood Risk Activity Permit would be required for physical works adjacent to the watercourse.

It is imperative that any contractors used for watercourse restoration works are experienced in this field: the use of general building contractors would be unacceptable.

Officer Comment: A planning condition is recommended.

We have discussed a suitable timeframe for requesting evidence that the habitat restoration measures have been carried out as described. I view the most critical action as the landscaping or the damaged bankside habitat. Native plantings should be carried out at the very earliest opportunity in order to maximise the recovery of this habitat. I would therefore recommend the following condition wording:

A written report detailing the implementation of the habitat enhancement measures for the Langstone Brook shall be submitted to the Local Planning Authority no later than three months after the commencement of development activities, unless otherwise agreed in writing by the Local Planning Authority. The report shall include evidence that the required sensitive landscaping actions have been carried out as described within landscape drawing 200 revision E (M2 Architecture, 6 February 2019) and the Wildlife Protection and Habitat Enhancement Scheme (David Leach, February 2019). The report shall include details (timescales, actions and responsibilities) of ongoing monitoring and maintenance of repaired habitats. Reason: to protect and enhance biodiversity in accordance with the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer Comment: This condition will be recommended.

(Submitted in relation to the works taking place to the river bank)

Thank you for consulting me on this application. I am aware that substantial works were carried out to the banks of the brook adjacent to the site recently. These works were clearly not in accordance with the previously-submitted ecological recommendations and are highly likely to have degraded the ecological value of the brook and its bankside habitats. Such action is wholly unacceptable, especially where planning permission is granted on an understanding between all parties that ecological features will be protected from damage and disturbance. Species likely to be inhabiting the brook receive full legal protection under the Wildlife & Countryside Act 1981 and damage to habitats and harm to species is an offence.

The application is now accompanied by a Wildlife Protection and Habitat Enhancement Scheme (David Leach, February 2019). This report clearly states that damage to riparian habitats has resulted from development works. It is therefore imperative that no further damage or disturbance is caused and that a proportionate strategy for remediation and ongoing protection is secured.

A series of recommendations are provided for the brook. This includes the regrading of the bank to a depth of two metres, providing a securely fenced 8m-wide buffer between the banks and construction zone, and native riparian plantings. A Construction Environment Management Plan is also recommended.

It is my understanding that any works within 8m of a watercourse require Environment Agency permission and therefore I would recommend that the EA's advice is sought before any further works occur. In principle, I would support some gentle regrading of the banks but only if the previous works have resulted in changes to the original bank profile: any further disturbance would only add to the damage already caused. My preference would be for natural regeneration of riparian vegetation rather than new plantings, although I understand that this would provide some relatively immediate compensation for the damage caused to date.

I am fully supportive of the recommended enhancement measures such as bat and bird boxes: these should be implemented as described.

Officer Comment:

The works to the bank are considered under the Ecological condition 10 imposed in relation to outline planning application APP/18/00380. It is understood that a separate licence is required from the EA in relation to works within 8m of the river. The EA have raised no objections 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: 19

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
1. The proposed site plan does not provide sufficient vehicle parking spaces and facilities for vehicles to turn. The drives for each plot appear to accommodate one car only. There is no provision for any parking for visitors or other parties residing in each of the dwellings. Note that parking on the north side of the existing tarmac drive (in white on Drawing 200 B) is reserved for Southmere Farmhouse - planning application 98/63298/000 dated 20th April 1998 refers. There is only sufficient room to park on one side of this relatively narrow drive. Parking to the south of the existing garage, on either side of the drive, would obstruct that garage. Note that alternative parking in the vicinity, such as in the Mallards or other neighbouring streets, is already restricted and available spaces are heavily used at the moment.	Car parking on site meets the Council's Car Parking Standards and is considered to appropriately serve the development.
2. Condition 9 of the Planning Decision Notice dated 13th September 2018 in connection with Application Number APP/18/00380 reads as follows:	Condition discharged in relation to drainage matters. The details were included on the Council's website.

No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. None of the site plans available for public viewing address this requirement. This matter needs to be shared with local residents and neighbours as these plans are likely to affect them. 3. The detached garage proposed on Plot 1 is extremely close to the border of the neighbouring property and also close to the existing house (Southmere Farmhouse) and the existing detached garage. We object to this as not providing sufficient space between the new buildings and the existing dwelling and garage for effective maintenance. Refer to Drawing 200 B. 4. The proposed elevations do not indicate any scale so we have been unable to evaluate the extent to which our property is likely to be overlooked or how our privacy may be affected. Kindly arrange to provide an appropriate scale, particularly for the elevations, so that we are able to assess the impact on neighbouring properties. 5. Site Plan Drawing 200 B shows three bin collection points at the extreme east of the site, on the north side of the private drive. This proposed location is impractical as the drive is narrow and a collection point in that position would obstruct the drive. The collection points need to be moved.	Considered under outline consent. Drawings are to scale. Bin collection point subject to planning condition in relation to the outline consent.
With respect to the Wildlife Enhancement and Habitat Enhancement Scheme which was posted to the public website on 11th February 2019, I have the following	

comments: A qualified person recently searched the vicinity of the site for evidence of water voles and was readily able to locate this. Reeds which have been chewed by water voles in a fashion which is characteristic were located very close to the western edge of this site. This provides strong evidence of the presence of these animals and will require measures to ensure the environment is appropriately protected. As this website does not support uploading photographs, these have been emailed today to Mr. David Eaves, the case officer. I would appreciate it if the Local Planning Authority was to require the implementation of appropriate measures in the light of this new evidence of protected species at the site.	Appropriate measures are being secured via the mitigation package provided in relation to Outline consent condition 10 details of which also form part of the landscaping requirement of the reserved matters applicaiton.
In connection with condition 9 in the Decision Notice granting outline planning permission, I note that plans include installation of three separate wastewater treatment plants with drainage of the outflow from these plants into the Langstone Brook. Given the sensitive nature of this waterway and the fact that it is a known habitat for rare wildlife (including kingfishers and water voles), I would like to request that the LPA ensures that permission from the Environment Agency to discharge outflow from these plants into the Langstone Brook is obtained before any such discharge takes place. In addition appropriate conditions should be imposed to control the quality of such outflow on a continuing basis. Furthermore appropriate monitoring of these plants should be required, so as to ensure that they are correctly maintained and function as intended.	Condition 9 has been discharged. It is understood that the EA have granted a licence for discharge. Any ongoing concerns in relation to the quality of drainage into the stream would be a matter for the Environment Agency to consider.
Damage to ecology Concern over impact on Water Voles Concern over date of Ecology Report	Concerns re ecology noted.

and whether it was written before or after the environmental damage done. Developer should remove soil bulldozed near and partly into the brook, he should also clearly show the development boundaries in revised site plan. Would remove further uncertainty following activities which increased overall plot size and ignored the 8m rule put in place.	The report addresses the demolition of buildings, the removal of scrub along the brook and the grading of the whole plot. The plans are considered acceptable.
Regarding the reserved matters plans, I would like to register the following observations to improve traffic safety in The Mallards and avoid inconvenience to existing residents: I believe the position of the gate to the private road means that every vehicle entering or exiting the development will stop across the blind corner in The Mallards while the gate is opened/closed thus causing a substantial traffic hazard. This situation could be resolved by moving the gate from its current position approximately 2 vehicle lengths into the private road (so entering/exiting vehicles stop on the private road and not across the corner of The Mallards). I believe the lack of parking for the new properties in the private road will cause visitors to park in The Mallards (which with current parking restrictions is already short of spaces for the existing houses). This could be resolved by making parking provision in the area at the south of the site (which is currently shown as grass) or by shortening the driveways to widen the area of charcoal coloured paving sufficient for parking of cars on the south side of the road. If there are vehicles parked in the driveways of the new properties there is no space for vehicles to turn in the private road. I believe there should be turning space provided at the end of the private road by paving more of plot 3. Without turning space, if a large vehicle enters the private road it has to reverse out again across the blind corner in The Mallards. This is already	The reserved matters application does not consider these matters, as it relates to appearance and landscaping. No objection to the proposals were received from the Highways Engineer in relation to the outline consent. Car parking on site meets the Council's Car Parking Standards and is considered to appropriately serve the development. The reserved matters application does not consider these matters, as it relates to appearance and landscaping. No objection to the proposals were received from the Highways Engineer in relation to the outline consent. See above comment

being demonstrated by contractor's vehicles from the site which have on several occasions stopped traffic in The Mallards while they have reversed out of the private road and on other occasions blocked the corner while they turn to reverse into the private road. I further believe that if all of the above are implemented delivery vans and visitors would stop within the confines of the private road. As currently shown on the plans, I believe delivery drivers and short-term visitors will leave their vehicles parked on the blind corner of The Mallards while they access the new properties by foot.	See above comment
Concern over silting up of river and flood risk	Flood risk considered at outline stage.
Appreciate measures to address impacts on wildlife	Noted
I am expertly advised that given the location of Langstone Brook and the absence of mink, Langstone Brook is exactly the environment you would expect to find voles meaning the balance of probability suggests voles are more likely to be present than not and this should have been the default position. I noticed the date of the report is not accurately stated by David Leach Ecology Ltd and we request you investigate this and confirm whether it was written before or after the environmental damage was done. Part of the vole habitat is lost and under bulldozed soil, but on the opposite side of the Brook evidence remains and we would be delighted to arrange a viewing including more evidence of habitat in the area. Not only should the developer remove the soil bulldozed near to and partly into the Brook, he should also clearly show development boundaries in his revised site plan.	The report details re-instatement work to the river bank and ecological requirements. The site has been visited and the river banks examined in detail by the case officer. The submitted plans are considered acceptable.

This would remove further uncertainty following his activities which increased overall plot size and ignored the eight meter rule you put in place.	
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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) The suitability of landscaping and ecological enhancement
- (v) CIL and other matters

(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. In addition, in this case, Outline Planning Permission was granted under planning permission APP/18/00380 and the principle of development is already established. This application relates to Appearance and Landscaping only.

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

The outline consent included Access, Layout and Scale of development. The quantum of development its general layout and scale is therefore established.

The current application therefore provides details of the appearance of the buildings. The designs are large four bed units with pitched roof and traditional appearance. The buildings are considered appropriate to their context fronting Southmere Field to the south and with the Mallards a residential development of substantial properties to the rear. To the east is a large traditional farmhouse. Materials have previously been approved under Condition 13 of the outline approval.

The design of garages and other elements are considered appropriate as are windows and other detailing. The proposal therefore accords with policy CS16 of the Havant Borough Local Plan.

(iii) Impact upon residential amenity

The main impacts are considered to be in relation to the positioning of windows and potential overlooking in particular to properties to the rear of the site.

With regard to the impact on residential amenity, the main impacts are considered to be to Southmere Farmhouse (No.20 The Mallards), and No's 15 and 17 The Mallards.

Southmere Farmhouse is located to the east of Plot 1 and has a garage which would be retained in front of the proposed garage to Plot 1 when viewed from the south. The property has a first floor window and a ground floor window facing the application site.

Plot 1 dwelling would have no windows facing Southmere Farmhouse. The new dwelling would be set approximately 6.5m from the eastern boundary with the proposed single storey garage building set closer. The relationship between these dwellings is considered acceptable.

No.15 The Mallards is set to the rear of Plot 1. This property is effectively aligned such that the flank wall faces Plot 1. There are two windows in No.15 facing Plot 1, a small first floor obscure glazed window and a larger ground floor window that faces the existing boundary wall. The two storey element of Plot 1 would be set approximately 10.5m from the common boundary and between approx. 12 and 15 m from No.15. This exceeds the 10m separation required between facing development and flank walls in the Havant Borough Design Guide SPD 2011. Plot 1 would have four first floor windows in the rear elevation (bedrooms and en-suite). There would be some additional overlooking to the rear of No.15, however, this would be mainly from one bedroom window and it is not considered that the impact would be sufficient to warrant a refusal of planning permission.

Whilst Plots 1 and 2 would be to the south of No.15 The Mallards, given the separation distances and limited south facing windows in No.15 it is not considered that light would be unacceptably impacted by the proposed development.

No.17 the Mallards would be set closest to Plots 2 and 3. This property mainly faces east west, however there are four ground floor and 1 first floor window facing the application site, and there is also a rear conservatory to No.17. Plot 2 at two storey height would be set approximately 11m off the common boundary (a wall) and Plot 3 would be approximately 14m off. The first floor windows to plot 3 have been designed to reduce the potential for overlooking to the rear garden of No.17 such that there is now 1 first floor bedroom window and 2 obscure glazed windows serving an en-suite and bathroom facing No.17.

Plot 2 would have two bedroom windows and a bathroom window facing No.17, this would not significantly impact the private rear garden of this property but would face the ground floor windows of No.17. The windows in No.17 at ground floor level appear to relate to a kitchen/dining area and workshop. On balance it is considered that the relationship between proposed and existing development is acceptable and would not result in an unacceptable element of overlooking. In relation to light whilst the new dwellings would be to the south of No.17, given the set off to the common boundary, this is not considered to be sufficient to warrant a refusal of planning permission..

In relation to the impact on neighbours amenities, it is noted that the previous recently existing farm use on the application site included buildings, farm animals (cattle, goats and turkeys) and agricultural machinery and this activity no longer operates adjacent to the residential properties. Whilst it is recognised that these are long established impacts, it is considered that smell, noise, and activities related to the agricultural use can, in themselves have a negative impact on residential amenities. Overall, the development is considered to have a limited and acceptable impact on residential amenity and has previously been granted outline planning permission.

(iv) The suitability of landscaping and ecological enhancement

The site has been subject to recent works to the river bank and the farm buildings have been cleared. The works to the river bank were unauthorised and are considered to have lead to ecological damage. As a result the works were investigated by the Council and operations ceased. The Environment Agency and the County Ecologist were advised of the breach of control.

As a result the current applicaiton has included an ecological report seeking to address the damage caused and securing proposing ecological enhancements at the site.

These have been considered in detail and the County Ecologist and the Environment Agency have supported the measures proposed within the ecological assessment. Subject to the imposition of appropriate planning conditions it is considered that the reserved matters application can be recommended for permission in relation to the ecological aspects of the scheme. It should also be noted that planning conditions imposed at the outline permission stage also secure ecological mitigation.

There is a requirement to ensure that the appropriate mitigation to the river bank is carried out within an appropriate timeframe and three months is recommended. The EA have confirmed that a Flood Risk Activity Permit will be required for works within 8m of the main river. An informative will be added.

The other landscaping and tree planting is considered acceptable.

(v) CIL and other matters

The development will be CIL liable. The proposal resulted in the loss of farm buildings until recently in use and the creation of an additional 124sm of floorspace at £80/sqm + indexing.

With regards to nutrient neutrality, the applicaiton is at Reserved Matters stage and the Councils Position Statement on nutrient neutral development confirms that Reserved Matters applications will be considered by the Council as a competent authority on a case by case basis. In this case, given the limited scale of the development and the reserved matters stage, it is considered that further assessment in relation to nutrients will not be required.

A unilateral undertaking and financial contribution in relation to the SRMP contribution was secured at the outline stage.

8 Conclusion

In conclusion, the principle of development was established by the outline consent, the impact on the character and appearance of the area is considered acceptable. The impacts on neighbouring residents have been carefully assessed and are considered acceptable. Ecological requirements and mitigation can be secured by the imposition of planning conditions. Planning permission can therefore be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT APPROVAL OF RESERVED MATTERS** for application APP/18/01262 subject to the following conditions

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

Wildlife Protection and Habitat Enhancement Scheme D.V. Leach February 2019

Site Plan Drawing No. 200 Rev E

Plot 1 Plans and Elevations Drawing No. 201 Rev B

Plot 2 Plans and Elevations Drawing No. 202 Rev A

Plot 3 Plans and Elevations Drawing No. 203 Rev D

Garage Floor Plan and Elevations Drawing No. 204 Rev A

Bat Survey - Emergence and Re-Entry

Reason: - To ensure provision of a satisfactory development.

- 2 A written report detailing the implementation of the habitat enhancement measures for the Langstone Brook shall be submitted to the Local Planning Authority no later than three months after the commencement of development activities, unless otherwise agreed in writing by the Local Planning Authority. The report shall include evidence that the required sensitive landscaping actions have been carried out as described within landscape drawing 200 revision E (M2 Architecture, 6 February 2019) and the Wildlife Protection and Habitat Enhancement Scheme (David Leach, February 2019). The report shall include details (timescales, actions and responsibilities) of ongoing monitoring and maintenance of repaired habitats.

Reason: to protect and enhance biodiversity in accordance with the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 3 The works to the bankside shall be carried out by competent contractors under the supervision of a suitably qualified ecologist and in full accordance with the details described within landscape drawing 200 revision E and the Wildlife Protection and Habitat Enhancement Scheme (David Leach, February 2019).

Reason: To ensure that the works are carried out to an appropriate standard to protect the sites ecological interests in accordance with the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015 as amended, prior to first occupation of the dwellings hereby permitted all the bathroom and en-suite windows for all the plots shall be fitted with, to a height of no less than 1.7m above finished floor level textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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

