
Site Address:	Land rear of 97A Lovedean Lane, Waterloooville, PO8 9RN		
Proposal:	Erection of 3No. 4 bed dwellings including parking and landscaping.		
Application No:	APP/18/01107	Expiry Date:	09/01/2019
Applicant:	Mr Martins National Regional Property Group		
Agent:	Mr Thomson HGP Architects	Case Officer:	Tina Pickup
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a large site of approximately 0.27 ha located in a backland position, on the western side of Lovedean Lane. It was a former builders yard and there is currently a redundant, old corrugated iron shed located in the centre of the site. There is a large dug out dip to the north of this shed. Otherwise the eastern half of the site has been cleared, is largely hardcore and boundary fences erected comprising 2m close boarded fence panels with concrete barge boards and posts.

The western part of the site has a significant embankment and this area has a number of trees - which are largely protected by both a Group TPO and several individual TPO's. The steep gradient of this part of the site and its woodland nature is such that the ground cover underneath the trees is naturalised. The properties in both Woodcroft Gardens and James Copse Road abut this western boundary of the site and are also at the higher level. The embankment drops down steeply in the northern corner of the site and at this point there is another significant TPO'd oak tree at the lower level.

The site is accessed via an existing tarmac private drive with side landscaping strips that runs between the frontage dwellings numbers 95 and 97A that serves the existing rear dwelling, No 97B and the application site. These dwellings are chalet style bungalows with dormers. Other properties surround the site and are a mix of chalet style bungalows and two storey dwellings. Most are set in generous plots although Numbers 3 and 2a Woodbury Grove to the south have shorter rear gardens.

2 Planning History

02/58832/002 - Demolition of builders store and construction of 2 No. 3 bed chalet bungalows and 2 No. 4 bed houses with new private drive access onto Lovedean Lane. Refused 27 May 2003 and Appeal Dismissed 30 October 2003

04/58832/006 - Construction of 1 no. 3 bed roomed detached "chalet bungalow" with associated car parking and new access to Lovedean Lane. (Revised application). Permitted 09/06/2004
- this is now 97B

04/58832/007 - Alterations to existing builders store to form a detached 3 bed dwelling with associated parking utilising new access to Lovedean Lane., WD,15/02/2005
 07/58832/011 - Application for removal of a minor limb on west side and a crown reduction of 25% an Oak tree within Woodland 1 subject to TPO 1641., PERM,05/06/2007
 08/58832/012 - Fell 4No. Cherry trees and crown reduce an Oak tree by 2 metres. All within Tree Preservation Woodland Zone 1641., PERM,03/12/2008
 09/65459/002 - Single storey rear extension with adjoining conservatory., PERM,17/11/2009
 APP/16/00248 - Reduce lateral spread to the south side by 2m to 2.5m overall making all final cuts adjacent to living growth points 1No. Oak; crown lift to 1m Yew and Hazel trees, reduce back to old pruning points Cherry trees; Crown lift by removing the 'dropper branches' of less than 70mm diameter from the undersides of the main limbs to achieve a ground clearance of 3m to 4m 1No. Oak tree all trees are within Woodland 1 subject to TPO 1641., PERM,22/06/2016
 APP/16/00655 - Crown reduce 1No. Field Maple (T7) by 5m to leave crown of 15m high and 9m wide, subject to TPO 1641., REF,01/08/2016
 APP/17/00041 - Fell 2No. Wild Cherry trees (T1) and 1No. Oak (T2), within Woodland W1, subject to TPO 1641., PERM,03/02/2017
 APP/17/00072 - Woodland to be managed by the following intervention:
 Removal of invasive species (Rhododendron/Laurel) marked with X (physically marked on site).
 Hazel and Holly to be re-coppiced marked with : (2 dots) (physically marked on site) - selective coppice.
 Removal of selected Holly with a diameter of 0.75cm and below.
 3m Buffer Zone to be retained on the perimeter of woodland.
 Removal of dead trees and where appropriate retain some habitat piles.
 , PERM,16/02/2017
 APP/17/00302 - Fell 2No. Oaks, subject to Woodland Order TPO 1641, PERM,27/04/2017

3 Proposal

Erection of 3No. 4 bed dwellings including parking and landscaping.

The site layout proposes 3 dwellings laid out as a pair of linked detached dwellings which would have an integral single garage; and a detached dwelling with an integral double garage, aligned in an approximate east-west orientation. The design style is relatively modern town house style and the use of buff brick with grey windows and slate roof has been proposed. Each dwelling would have a limited flat amenity space (some 6m deep) but then have a retaining wall and steps up to the woodland area which would be included within the residential curtilages. A detailed landscaping proposal has been submitted and cross sections of the site.

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)
- 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)
DM3	(Protection of Existing Employment and Tourism Sites)
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 - on original plans

I note that a Tree Survey and constraints plan has been submitted however in order for me to comment fully I would like to see an AIA, AMS and TPP submitted.

Arboriculturalist - on amended/additional details

The arb report has been updated. I can confirm I have no objection providing the work is carried out in accordance with this report.

Building Control - on original plans

1) A storm water public sewer crosses the site and may be within 3m of one of the dwellings. Not possible to see from the plans provided.

2) The access for emergency vehicles does not appear to be in accordance with the guidance in Approved Document B. Adequate turning and road width should be provided.

3) Access for the solid waste collection should be as detailed in Approved Document H.

Subsequent information submitted:

The information provided clears items 1 and 2 previously raised

Item 3 is still unclear the bin stores should be within 30m of the householders front door and 25m from the point specified by the waste collection agency

Building Control on revised plans:

Our comments previously raised remain. The proposal to provide a sprinkler system in the houses may address the issue for fire service access but will require a full design which will be controlled by the Approved Inspector appointed for the Building Regulation application.

The response from Southern Water does not address the issue of the potential for a public sewer to be within 3m of the dwelling. This will need to be controlled by the Approved Inspector appointed for the Building Regulation application.

The issue with adequate solid waste storage does not appear to have been addressed. The issue will need to be controlled by the Approved Inspector appointed for the Building Regulation application.

Officer Comment -

The issue of the waste collection is a Building Regs matter and the applicant is aware of the problem with distance. One possible solution is to appoint a private waste contractor and the applicant is willing to do this if necessary at Building Regs stage. Documents have been submitted from MLM Building Control and Hampshire Fire & Rescue indicating that use of sprinklers is acceptable

County Ecologist - on original plans:

The application is accompanied by a Preliminary Ecological Appraisal (PJC, June 2018). The site comprises a moderately-sized plot containing mature woodland in the west and a mixture of bare ground, grassland and low scrub in the east. The site also contains several built structures. It would appear that some vegetation within the site has been cleared recently.

The site is considered to be of limited ecological value and is stated as offering negligible potential for supporting protected species such as roosting bats, hazel dormice, badgers and reptiles. Whilst the eastern part of the site would appear to be largely devoid of vegetation, there would appear to be areas suitable for e.g. nesting bird species.

Overall, I am content that the eastern part of the site (i.e. the development footprint) is likely to be of limited ecological interest. No further ecological survey works is necessary.

However, the woodland on site is clearly of ecological value (it is mapped as Priority Habitat by the Hampshire Biodiversity Information Centre) and there is potential for the proximity of the new dwellings to result in disturbance to the woodland. The woodland is within the garden curtilage of the new dwellings and there could presumably be pressure to manage or remove tree cover in favour of more-usable garden space, or to illuminate the garden spaces. I note the comments by the Arboricultural Officer in relation to the need for an impact assessment and would suggest that this document would have direct relevance to any ecological assessment. I would recommend that additional information is provided and that a mitigation strategy for the woodland is provided.

County Ecologist - on revised plans:

The application is now accompanied by an amended landscaping layout plan. This shows a native species hedgerow located along the western edge of the woodland which is a welcome addition.

No details of the ongoing management of this feature are provided – how is it to be managed and by whom?

My query in respect to the ongoing status of the woodland has not really been addressed. Whilst I appreciate that the trees themselves are subject to TPOs, this alone does not preclude ongoing impacts to the woodland. My concerns relate to the potential for future pressure to prune/remove trees within garden areas, the introduction of invasive non-native plant species and the use of artificial lighting, all of which will result in the deterioration of a Priority Habitat that is highly likely to support various species. Clarification is requested on these matters – ideally from the applicant's ecologist.

Officer Note:

This has been discussed with the County Ecologist who accepts that a s106 management strategy for just 3 dwellings would not be proportionate to the scale of development for just 3 dwellings; the woodland area becomes within the residential curtilages and advised that was intending to recommend conditions controlling development but would not be able to control species of planting. This was accepted as a compromise appropriate to the small area.

Crime Prevention

None received

Southern Water

Exact position of sewers must be determined on site before layout finalised. No development or new tree planting within 3m of the public sewer; no new soakaways within 5m; all infrastructure should be protected during construction works.

Reference should be made to "A Guide to Tree Planting near Mains and Sewers".

Also possible that sewer now deemed to be public crosses the site and if any sewer found during construction works and investigation will be required;

Means of disposal of foul drainage not stated; formal connection to public sewer required and Informative requested.

Surface Water disposal should meet Part H3 and controlled through conditions; in this instance details indicate surface water disposed of via watercourse and therefore relevant authority for land drainage consent should be consulted;

Request condition "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Environmental Health Manager - Pollution team:

No objection; recommend conditions re noise, lighting, dust control and request CEMP and Informatives re hours of work; bonfires;

Contamination team:

geo-environmental site investigation submitted and comment on that document: challenge some of the conclusions regarding the geo-environmental ground conditions; with respect to ground gas accept conclusions that further monitoring is necessary; and qualitative risk assessment also challenged.

Recommendations -

The proposed land use is sensitive, and the geology of the site introduces further environmental sensitivities which increase the need for decisions to be based upon robust site-specific information.

I would interpret the greatest potential risks to future site occupants to be the quality of shallow soils at the completed development (at or placed within landscaped areas allocated to each unit, whether as formal garden, amenity space, or as 'woodland'), and ground gas (for which there are numerous local potentially contributing features - one of which on site).

The greatest risk to groundwater would appear to be the deep made ground (landfill) at the former chalk pit.

I agree with the authors that further investigation of made ground is necessary, and I would also agree that WS101 may be an outlier. However, I disagree that the logical conclusion is that WS101 is the only likely deposit which may warrant investigation, and that the further investigation should be limited on the strength of the submitted report.

The investigation collected samples throughout the soil profile, but only scheduled shallow soils for chemical analysis. Only 5 locations were sampled, and descriptions of made ground vary both with depth at any given location, and laterally between locations. The sampling rates and stratification limits the conclusions that can be drawn on the basis of the available data.

There is little desk study information which would lead us to conclude that made ground should differ substantially between locations, and it would seem reasonable to conclude that made ground at the site is likely to be characterised by numerous small deposits of material of varying character & origin (of which WS101 is representative of one), present as residues from materials handled-, or as deposits of waste disposed of at- the site.

I would recommend that subsequent site investigation not prematurely limit the assessment area, and should seek to establish;

- a) the extent to which WS101 shallow soils results are limited in both lateral and vertical extent (as proposed)
- b) the 'average character' of shallow topsoil / made ground within 1.0m of surface, to improve confidence that WS101 represents an isolated deposit and not a chance intersection of a trial hole with 'widely distributed but sporadic' made ground of an aggregate character which could be considered to be significantly contaminated.
- c) whether head deposits (subsoil) within 1.0m of the surface have been significantly impacted by overlying made ground.
- d) the character of soils placed within the former chalk pit, specifically considering their water pollution potential (e.g. including leachable fractions).
- e) a more accurate characterisation of the local ground gas regime (as proposed)

I would not wish to pre-judge the outcome of such an investigation, but consider that a good quality follow-up investigation could avoid the need for precautionary mitigation measures to be implemented through the course of development.

I have no objection to the principle of these proposals, subject to these risks being conditioned.

Highways Engineer

No adverse comment to this application.

Landscape Team - on original plans:

There is a lack of consistency in relation to the proposed soft landscaping. The proposed site (roof) drawing no. 18.065.200D indicates a line of soft landscaping north of plot no. 1 and within the RPA of TPO tree no. T1, however this not present within the soft landscaping plan. Clarification of all proposed landscaping within any RPAs is required.

- The Proposed Site First drawing no. 18.065.202A indicates retaining walls to the west of plots no. 2 and 3 and further details are required to understand what is proposed.

We require cross sections, elevations, levels and proposed materials to review suitability.

- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates.

- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:

- finished levels
- hard surfacing material type / product reference and colour
- laying bond
- edging or threshold detail / type
- retaining structures or steps

Landscape Team - on amended plans:

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- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:
 - finished levels
 - hard surfacing material type / product reference and colour
 - laying bond
 - edging or threshold detail / type
 - retaining structures or steps

Natural England Government Team

recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist. This will ensure the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 8, 170, 174 and 175d. The scope of the BMEP should be agreed with the HCC Ecologist and will need to consider nesting birds, bats and reptiles. The lowland mixed deciduous woodland on site should also be considered as part of the BMEP.

Officer Note - see Ecologist note above

Portsmouth Water Company

Site lies within Source Protection Zone One (SPZ1). Northern portion of site lies on Bedrock consisting of tarrant Chalk classified as a Principal Aquifer; southern portion lies on feathered edge of Lambeth Group classified as a Secondary Aquifer.

The geological setting is prone to solution features and Portsmouth Water hold information of at least 10 within 500m of the proposed site boundary, including swallow holes, sinkholes and solution pipes.

There is likely to be a very rapid travel time between the site and the Havant and Bedhampton Springs meaning pollution from the construction and development of the site could impact the public water supply.

Land Contamination

The Interpretative Report on Desk Study and Ground Investigation carried out Omnia Environmental Consulting (OEC), July 2018, identified elevated concentrations of contaminants (Cadmium and PAH) in the near surface Made Ground on the site. The source of this contaminants should be investigated and risk assessed under the context of the hydrogeological setting

Based on the historic mapping there was a former Chalk pit that was backfilled between 1963 and 1969. The extent of this feature and nature of backfill material must be characterised fully, therefore, we support the recommendation to further delineate the extent of potential contamination within the Made Ground. If contamination is identified from further testing remedial action will be required and a standalone Remediation Method Statement submitted to the Local Authority for approval.

Portsmouth Water would wish to be consulted on the Remediation Method Statement due to the high environmental sensitivity of the site.

The conceptual site model needs revising to incorporate the Havant & Bedhampton Springs as a potential receptor and solution features as a potential pathway. Where required remediation and validation of the site should be undertaken prior to any development to prevent mobilising harmful contaminants into the groundwater environment. All potential risks posed by the development and its proximity to solution features must be considered as part of this application.

Drainage

The proposed surface water disposal strategy for the site is disposal to an existing water course and main sewer.

The foul water drainage strategy for the site is currently unknown, Portsmouth Water require the use of the highest specification pipework and designs for schemes involving new sewerage systems in SPZ1 to minimise leakage. Please provide details of the proposed foul drainage strategy for the site.

Portsmouth Water have a presumption against the discharge of foul and surface water into ground at this site where adequate and approved pollution prevention measures are not in place. If deep bore soakaways are selected for surface or/and foul water disposal, Portsmouth Water would wish to comment on the design. Any applications for the construction and installation of deep bore soakaways should be accompanied by an adequate risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design.

Portsmouth Water require further information on foul and surface water drainage design to be submitted for further consideration prior to approval. This should include as a minimum:

- a) the methods / materials to be used for construction;
- b) details of the connections to foul sewers;
- c) details of any discharges to surface water courses; and
- d) any proposals for the use of SUDS (Sustainable Drainage Systems)

Piling & Foundations

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Portsmouth Water require information on foundation design be submitted for detailed consideration. This should include as a minimum:

- a) the methods to be used;
- b) the design depths of the various structures involved and rationale;
- c) the density of piling, if any; and
- d) details of materials to be removed or imported to site.

Construction Environmental Management Plan (CEMP)

Portsmouth Water request a Construction Environmental Management Plan (CEMP) is provided for comment outlining all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.

Waste Services Manager -on amended plans

Can we please ensure there is a suitable location at the boundary of the private service road where the waste bins can be presented for collection.

Officer Note - Following discussions with Norse who visited the site, the entrance is considered more than wide enough to present the waste bins on the day of collection.

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: 4

Statutory advertisement: Not applicable.

Number of representations received: 9 letters have been received - 3 objections and 6 in support

Comment	Officer Comment
3 letters of objection raise the following issues:	
The Copse It is noted that the Developers Tree Reports attached to this application confirms that, with the exception of one minor tree, EVERY tree remaining in the Copse is healthy. It is paramount that what remains of this Copse is protected in the future. Despite being warned for many years that the site was being cleared for development purposes, Havant Council Planners have allowed for the Copse to be cleared of 6 healthy oak trees, other trees, bushes and ALL ground cover. By allowing the clearance of the site, it is now too difficult to raise any major objections to this proposal and on the whole, the proposal looks to be acceptable. Ownership a). Once complete, will Havant Council issue new TPOs to reflect the change in ownership? b). At what stage will the present owner(s) of the Copse cease to be responsible for it? c). Will he/they be responsible for the removal of the barbed wire fence that was erected.	Noted No - TPO's run with the tree/land, not the owner A private matter for landowner

d). The outlook over the Copse appears to be a marketing point for this development but once each dwelling is sold, will it continue to be maintained as a Copse? e). Will the buyers of each of the new builds own all that they look out on or will it be held by the current owner or other party? Current Plans a). The proposal includes original plans for 4 dwellings (Ref 3.01 Initial Site Development) that show the removal of a tree. There is no reason for these pages to be included and, as Havant Council cannot be trusted to ensure trees under a TPO are protected and to safeguard against any future misinterpretation of any plan, these pages should be removed from the application. b), The outlook from the lounge on the first floor of the first dwelling and, to a lesser degree the other properties, will be directly towards the North West of the site. To safeguard all residents, adequate screening by means of suitable perennial trees and bushes should be put in place. c). To allow recovery of some of the natural flora and fauna to the Copse, is it possible to ensure that only trees, bushes and hedges are used to reflect boundary lines rather than solid fencing and certainly not barbed wire. General Havant Council should be addressing any considerations in the proposal's reports that called for further investigations or where any normal checks on the flooding and contaminated earth issues were noted or called for.	Conditions recommended to try to ensure woodland under storey remains Woodland areas would become part of the residential curtilages Part of the D&A Statement showing how scheme evolved buffer screen included pd rights for fences/walls can be removed Noted & technical conditions recommended
Some of the oak trees are 100 years old and boundary hedge to the copse greater age; this woodland last vestiges of old Forest of Bere; green woodpeckers and bats frequent the woodland and undergrowth within woodland considered virgin and destruction of habitat unnecessary; little enough forested land and taking	Noted Ecology report submitted

more for development is considered inappropriate; planning consent refused in 2002; water and sewage facilities would have to be spurred to cope with additional development of 8 adults and 10 children; traffic in vicinity would increase causing more grief at Lovedean lane/Woodcroft/Milton road junctions; this is further step in elimination of copse that commenced in 2002. Should be refused	Noted - this scheme different see section 7
The proposed land sits directly behind my property, and would over look my rear garden, the noise disturbance from the excavation, the extra traffic from building trades, there is already the new housing estate being built in the local area (Catherington Park), we do not need more being built on green land.	see section 7 - separation sufficient
6 letters of support letter raise the following issues:	
We have the longest boundary to this woods with approximately 180 feet of fencing which forms the boundary onto all three woodland gardens. When we moved into the property in the summer of 2016, the level of privacy afforded by the woods as they stood was the main factor in deciding to buy our home. This screening was removed as part of the preparation works for this planning application. Some of it unnecessarily in our opinion. We've met with the developer and agreed some conditions to our approval which I'll document here and would appreciate being included in any documented approval of these works. The ecology zone at a minimum of 2m is welcomed. It would make more sense for the fencing at the back of the new gardens to run along the ridge so please consider this. Also, in discussions with the developer, there has been a verbal agreement to replant mature screening in the 2m area so as to avoid direct line of sight between our property and the windows	Noted and conditioned as part of landscaping As above

of the new properties. This is particularly important relating to the first floor lounge of the larger property which will be looking straight into our kitchen diner. In good faith, we have agreed this so please also consider this in any consent to these works. Overall, it will be good to have high value homes built in this location as opposed to the abandoned builders yard buildings which given the clearance of the trees and foliage around the area has now exposed an unsightly set of structures. On the basis of the above, we support approval of the plans.	Noted
I live in a property with a boundary to this land and have no objection to the proposed development. I would however request that some screening between it and the bordering properties be planted. I believe that a plan is in place for this. The woodland as described in a posted comment bears no relation to the current condition of the woodland as all undergrowth and several of the oaks and protected trees have subsequently been removed (see previous planning applications). There is currently very little hedgerow bounding the property as it was also removed when the protection order was lifted recently from the whole woodland site. I would request also that the replacement newly-planted oaks, which were part of the planning permissions, be checked as several of these seem to have died through lack of care. This development, should it go ahead, will remove all doubt in the future of what will become of this piece of land behind my property.	Noted
My property is on the South side of the Woodland. Until the HBC removed the Woodland order, without ANY consultation or notice, this present tree area was well screened with Holly , sycamore and other species which supported a wide range of bird life. But with the order removed and just 28 trees (incl some groups) with TPO's	Noted

the area was totally cleared and with this the significant demise of the bird life. The Developed with whom I have spoken has proposed what I believe to be a 6metre thicket of trees and shrubs to be planted along the South and West boundaries of the upper Woodland area but I have not been able to find this in the present plans. I hope this can be achieved please. Otherwise My area is totally open to the whole site. With this proviso I am happy to support the Application	
My property backs onto the proposed grounds for the new development . Plans for the privacy screening have now been published and in view of this development i support the development of the 3 4 bedroom dwellings .	Noted
Our property is situated in Lovedean Lane and the planned houses will be to the rear of our property . Our concern would be the privacy of the garden and the privacy into our properties bedrooms .The bedrooms have dormers facing onto the rear aspect. There currently is a boundary fence in position to the rear which would protect views from the ground floor for both occupants but the bedroom windows would have direct eye line into each others premises. I would like to propose large 15 foot tree lined privacy screen to run the whole perimeter of the rear boundary including the return where they have indicated car parking. This would have a restriction to keep a minimal and maximum 15ft high screen set in place for the duration to preserve both parts privacy. If this can be part of the ecology planning, i would be happy to support the planned house construction.	Noted Pleached trees proposed for above fence, although height not guaranteed initially
An objection has been raised on this planning which has been made by somebody who clearly doesn't share a border with this copse as the complainant talks about things happening that have already happened - ie) risk to removing trees with TPO and risk to affecting wildlife. If they shared a border (and therefore had a valid opinion to share) they wouldn't be concerned about the things they are	

concerned about. I fully support the works and I share a border with the copse. These houses and the associated plans will be a significant improvement on current state and do not appear to contain any plan to remove any more trees. I trust the council will take this into consideration and dismiss the concerns of the objector as they are not relevant.	Noted
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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) Parking and Refuse
- (v) Impact on Trees and landscaping
- (vi) Drainage and Contamination
- (vii) Ecology
- (viii) Contributions

(i) Principle of development and loss of Builders store

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The planning history includes a refused application and dismissed appeal in 2002 but the reasons related to design and layout issues and impacts on neighbours and trees, rather than any principle of development.

Policy DM3 seeks to protect existing employment sites and would normally require a marketing exercise to demonstrate the site is no longer fit for purpose or financially viable for B class employment or other economic development, before residential development is considered. No marketing has been undertaken or supplied but a statement addressing the loss of employment issue has been provided noting that the buildings are in a derelict and overgrown state with no evidence of any employment occurring from the site for a considerable length of time. Considering that in 2002 the planning applications then noted that the builders yard site had not been in use for some time, and the site has since been unused for the intervening 16 years, then it is acknowledged that in the circumstances policy DM3 is not relevant.

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

The site is surrounded by residential development and as such the principle of residential use is compatible with the character of the area. The site features the large embankment and woodland area which has natural undergrowth and the letters of representation all comment on the need to protect this and the TPO'd trees on site. The proposed dwellings would be on the lower, cleared part of the site and the embankment and wooded area would essentially remain, but become divided into the 3 residential curtilages. In order to protect this area it is possible to remove permitted development rights for any Part 1 Class E outbuildings, Class F hard surfaces, and

Part 2 Class A fences and walls, although this would not prevent, for instance, the siting of non-development structures, such as benches, washing lines, trampolines etc or the formation of more domestic flower beds, lawn etc. The management of this land would become the responsibility of the future home owners. It is considered that the steep gradient and presence of the trees which are protected and would remain, would in itself become a limit to the use of this land for anything other than natural woodland enjoyment. On this basis, the overall character of this woodland area would largely remain, and the layout respects this natural feature, in accordance with Policy CS16.

(iii) Impact upon residential amenity

The site is sufficiently large that the back to back separation distances are in excess of the Borough Design Guide SPD recommended minimum and the closest properties to the south in Woodbury Grove would be sited 10m from the blank side elevation. The fact that the dwellings would be set at the lower level with the embankment providing screening, then it is not considered that the properties to the rear in Woodcroft Gardens or James Copse Road would experience any loss of privacy. The frontage of the dwellings are also set at least 30m from the rear of the properties in Lovedean Lane which also complies with separation distances. To further protect from any cross overlooking the proposed landscape scheme includes pleached tree planting along the eastern boundary.

The development would be served by the existing private drive that is already made up and in use. The additional comings and goings to the 3 dwellings would increase the use of this drive with associated marginal increase in noise and disturbance. However the drive is spacious with landscaping strips either side and the two frontage dwellings have blank side gables facing the drive. Number 97B that is in the backland position is set at an angle to the site and has a single obscure glazed window facing the site. Overall it is considered that the increased use of this drive would not materially impact the quiet residential amenity of the occupiers of the frontage dwellings or 97B.

With respect to amenity for future occupiers, the proposal is for substantial 4 bed dwellings for family accommodation. The flat rear gardens are only some 6m in depth but would provide residents with useable seating area etc and each would also have some 26m to 34m of woodland garden to provide alternative amenity areas. Overall it is considered that each curtilage would provide adequate amenity space to provide an appropriate quality of living. Plot 1 is in close proximity to TPO 1 but the arborist has advised that this tree has a high canopy and should not conflict with amenity space or lead to a pressure to prune.

(iv) Parking and refuse

The highway engineer has no objection to the scheme. The amended plans remove the parking over-provision and the space previously under the canopy of a protected tree. Each 4 bed dwelling has the required 3 on site spaces to meet the adopted Parking SPD and there is a spare visitor space for plots 2 and 3. Since the integral garages contribute to meeting the parking requirements then it is considered necessary to condition the integral garages as remaining available for the parking of cars and not being converted to rooms in the future.

With respect to refuse collection it is a normal Building Regulations requirement that bins stores should be within 30m of the householders front door and 25m from the point specified by the waste collection agency. However in this instances the distances exceed this and the Council's Waste Collectors, Norse, have confirmed that their preferred collection point is at the entrance with the roadside which has ample space. Therefore the maximum distance for future residents to wheel bins from the front door of plot 3 would be 75m (or 62m from the proposed bin store) which exceeds Building Regulations. The applicant has offered a private waste collector management solution to this issue - but it is considered that to request a Section 106 agreement for a waste management plan is not proportionate or reasonable for a development of just 3 dwellings. Furthermore it is noted that future occupiers would be aware of the distances involved when purchasing the dwellings.

Overall it is noted that the applicants are aware of this waste collection issue and if at Building Regulations stage the appointed Inspector requires such a private waste management solution then it is available as an option. On this basis it is not considered appropriate to resist the scheme for this issue alone.

(v) Impact on Trees and landscaping

The site is currently protected by a Group TPO and several individual TPO's. It is understood that a previous "Woodland" order was revoked and no longer applies to the site. The application is accompanied by an AIA and Method Statement and the Council's tree officer has met the arborist on site to fully understand precisely which trees are to be removed. These are generally small yews and cherries that are hindering the larger trees on the site. The AIA and Method Statement were updated as requested and provided the works are carried out in accordance with this report and tree protection plan, then there is no Arboricultural objection to the proposal.

As part of the proposal a detailed landscaping scheme has been submitted and this includes a 2m wide ecological planting buffer to create a hedge along the western boundary of the site. This is a requested feature by the neighbours and its provision can be conditioned. The boundaries between the 3 plots up on the embankment is also detailed as being native hedging rather than inappropriate close boarded fencing which can also be conditioned.

The landscape officer has requested further details of the retaining walls within the curtilages aswell as hard landscaping material details.

(vi) Drainage and Contamination

Portsmouth Water and Southern Water have requested further details of the surface and foul drainage that will need to have to take account of the geology and soil conditions- this can be conditioned. Due to the historic use of the site as a builders yard there is also a need for further contamination conditions.

(vii) Ecology

This site lies beyond the 5.6km zone for mitigation against recreational pressure on the over wintering birds on the SPA. Therefore it is not necessary to collect the financial contribution and Unilateral Undertaking in this instance.

With respect to other on site biodiversity measures, the retention of the embankment woodland area with removal of permitted development conditions as stated above, would offer some long term ecological protection of this area. In addition to the ecological buffer planting it would also be reasonable to seek some bird and bat boxes to be installed on site to achieve some ecological gain - this can be conditioned. Furthermore it can be conditioned that this woodland area is not illuminated to avoid disturbance to night animals. It is however noted that the County Ecologist has some late concerns over the future management of this area, and raises lighting as a concern. It is considered that his concerns would largely be controlled via the suggested conditions and this has been discussed with him.

(viii) Contributions

The development is CIL liable and the CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged for this area at £80 per square metre on new floorspace plus indexation. The proposed development and floorspace results in a CIL liability of £58,575.71. The Draft Liability Notice has been sent.

8 Conclusion

The proposed development of 3 dwellings is considered to adequately respect the trees on site and result in an acceptable layout and design that would not harm the amenity of neighbouring residents. The proposal is considered to be compliant with policy and accordingly, subject to conditions, the application is recommended for permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01107 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 Drawing Nos: 18.065.100A
Design & Access Statement by HGP Dated Aug 2018 Rev 01
Arboricultural Development Statement by CBA Trees dated February 2019
and on Councils website dated 04 March 2019 and the Tree Protection Plan at Appendix CB3 dated 01/03/2019

Transport Note by Ridge and partners LLP
 Phase I & II Geo-Environmental Site Assessment by Omnia dated July 2018
 Preliminary Ecological Appraisal by PJC Consultancy dated June 2018
 Demolition Plan Drawing Nos: 18.065.102A
 Soft Landscape Proposals Plan Drawing Nos: DD264L01 Rev D
 Proposed Site Layout Roof Drawing Nos: 18.065.200G
 Proposed Site Layout Ground Drawing Nos: 18.065.201C
 Proposed Site Layout First Drawing Nos: 18.065.202C
 Proposed Site Section (North, South) Drawing Nos: 18.065.212
 Proposed Site Section (East, West) Drawing Nos: 18.065.208B
 House Type 1 - Elevations Drawing Nos: 18.065.204A
 House Type 1 - Plans Drawing Nos: 18.065.203A
 House Type 2 - Elevations Drawing Nos: 18.065.206A
 House Type 2 - Plans Drawing Nos: 18.065.205A

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings and all the hard surfaced areas including edging detail, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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.

- 4 The proposed works shall be carried out in full accordance with the Arboricultural Development Statement by CBA Trees dated February 2019 and on Councils website dated 04 March 2019 and the Tree Protection Plan at Appendix CB3 dated 01/03/2019.

Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March .

- 5 The hereby approved soft landscaping plan Drawing Number DD264L01 Rev D shall be carried out in full accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No development shall take place (other than demolition and site clearance) until an assessment of the nature and extent of contamination on the site (whether or not it originates on the site) has been submitted to and approved by the Local Planning Authority. The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include:

1) An intrusive site investigation based on the proposals outlined within the Geo-Environmental Site Assessment Ref: A10965; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and verification plan approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

Reason: Having due regard to policies DM10 of the Havant Borough Core Strategy , 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014 in light of the fact that contamination may be present within made ground at the site and in the vicinity, that could pose a risk to future occupiers of the site, to the principle aquifer and the quality & security of the local potable water supply.

- 7 Prior to the first occupation of any dwelling hereby permitted, any verification report required in accordance with condition 6 shall be submitted to and approved in writing by the Local Planning Authority.
The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”).
The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Core Strategy 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014 as contamination may be present within made ground at the site and in the vicinity, that could pose a risk to future occupiers of the site, to the principle aquifer and the quality & security of the local potable water supply.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no outbuildings or hard surfaces permitted by Part 1, Classes E and F; and no fences or walls permitted by Part 2, Class A of the 2015 Order, as amended, shall be erected within the rear garden areas of the hereby approved dwellings, without the prior written approval of the Local Planning Authority.

Reason: To protect the biodiversity and ecology of the raised embankment area, having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions permitted by Part 1, Class A of the 2015 Order, as amended, shall be erected within the curtilage of any of the dwellinghouses hereby permitted, without the prior written approval of the Local Planning Authority.

Reason: The flat garden areas are limited and not considered suitable for further coverage by development whilst providing sufficient useable amenity space for future occupiers, having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 10 The development hereby permitted shall not be occupied unless or until, a minimum of three bat roosting units and three bird nesting units and dead wood habitat piles as recommended by paras 4.5.2; 4.5.3 and 4.5.6 of the Preliminary Ecological Appraisal by PJC Consultancy dated 8th June 2018, are erected within the site. The boxes/units and piles shall be retained as such thereafter.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011 and National Planning Policy Framework.

- 11 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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.

- 12 The garages hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.

Reason: To ensure the retention of adequate on-site car parking in accordance with the adopted Parking SPD 2016 and policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and to discourage parking on the adjoining highway in the interests of highway safety and local amenity.

- 13 There shall be no external lighting, security or otherwise, erected within the embanked woodland rear garden areas, nor any lighting directed towards the woodland area, without prior approval in writing by the Local Planning Authority.

Reason: To protect wildlife from lighting having due regard to the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011 and National Planning Policy Framework.

- 14 No part of the development shall be first occupied until details of the retaining walls and steps to the south and west of plots 2 and 3 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include cross sections, elevations, levels and proposed materials of the retaining walls and steps. The approved walls and steps shall thereafter be erected in accordance with the approved details and retained as such.

Reason: To safeguard the trees and woodland area and ensure adequate amenity for future occupiers, having due regard to policies DM8 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

(iii) Details of all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and safeguard trees on the site having due regard to policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and Portsmouth Water. Such details shall include

- a) the methods / materials to be used for construction;
- b) details of the connections to foul sewers;
- c) details of any discharges to surface water courses; and
- d) any proposals for the use of SUDS (Sustainable Drainage Systems)

Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 No piling shall take place on site unless and until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: Piling has the potential to impact on the Havant & Bedhampton Springs Public Water Supply and therefore the applicant is advised to contact Portsmouth Water to discuss the details of the piling method statement, having regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 No development shall commence on site until details of the proposed foundation design has been submitted to, and approved in writing, in consultation with Portsmouth Water, by the Local Planning Authority. The submitted details shall include as a minimum:
- a) the methods to be used;
 - b) the design depths of the various structures involved and rationale;
 - c) the density of piling, if any; and
 - d) details of materials to be removed or imported to site.

Reason: To protect the sensitive groundwater catchment and risks associated with groundworks in this area, having regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.