
Site Address:	Land to North of 61 Hollybank Lane, Emsworth, PO10 7UE		
Proposal:	Erection of 1No. 3 bed dwelling		
Application No:	APP/18/00481	Expiry Date:	14/08/2018
Applicant:	Mr & Mrs Hill		
Agent:	Mr Jupp	Case Officer:	Emma Chisnall
	Stephen Jupp MRTPI		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This site is located within a recently completed housing scheme of 48 units, north of Oak Tree Drive in Emsworth. The site was left vacant when the housing scheme was developed. The application site forms part of a larger inverted L shaped parcel of land that falls within the curtilage of 61 Hollybank Lane. The site has a frontage to the BOAT (byway open to all traffic) adjacent with an existing dropped kerb and is currently enclosed by 1.8m high timber fencing.
- 1.2 Nos 8-4 Aubin Wood are a row of two storey terrace dwellings immediately north of the plot. To the south of the application and is sited further back is a terrace of dwellings. In 2016 a two storey new dwellinghouse was permitted to the west of the application site which has extant permission. The remainder of the housing development contains a variation of housing types but generally there is a set character with the use of high quality materials and off road parking.

2 Planning History

98/63388/000 - First floor front and side extensions incorporating accommodation in roof space with 2 dormer windows in east elevation and 1 dormer window in south elevation, PERM,23/10/1998

APP/13/00165 - Discharge of condition 7,13,15 and 29 of Planning Application

09/72129/002, PERM,08/05/2013

APP/13/00270 - Discharge of Condition No. 22 of Planning Permission

09/72129/002., PERM,30/05/2013

09/72129/002 - Demolition of 2No. dwellings and erection of 48No. dwellings with associated garages and parking with access from Oak Tree Drive., PERM,28/02/2011

APP/15/00497 - Variation of condition No. 29 of Planning Permission 09/72129/002 to allow for a temporary period for building traffic to be separated from occupiers of plots 37-39 and plots 43-48 from March 2015 to end of October 2015., PERM,17/06/2015

3 Proposal

- 3.1 Erection of 1No. 3 bed dwelling
- 3.2 The dwellinghouse shall measure approx 8.3m high, 11.5m wide and 10.7m deep.

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)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Arboriculturalist

No objection providing the work is carried out in strict accordance with the Arboricultural Method Statement and Tree Protection Plan submitted by Technical Arboriculture dated September 2018. It was noted that there is a small Ganoderma bracket at the base of the Beech tree numbered T2 and this should be monitored. The removal of a small Holly (T4) will have no impact on the streetscene.

Officer Comment: A condition shall be included with the decision.

Building Control, Havant Borough Council

Sewer to rear of site more than 3m from proposal. Bin store only shown in access statement appears to comply with AD H 6. Fire authority access appear acceptable
Building Regulation application required for this work

Community Infrastructure, Planning Policy & Urban Design

CIL Liable.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, now based on the number of dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Countryside Access Team

Further to our site visit and the further information provided, we withdraw our objection to this application.

County Ecologist

Updated Comments:

Many thanks for the additional information and the chat this morning. The most recent photographs I was provided with are below and I based my advice on these and recent, up-to-date aerial mapping and habitat data. These clearly show the site to contain what I would certainly describe as suitable reptile habitat (unmanaged grassland and herbage), hence my responses in respect to reptiles. The photos provided this week by the applicants show that the site has been mown (I can see clippings). Mowing would clearly make the habitat unsuitable and there is essentially no potential for reptiles to occur in its present state.

If the applicant was aware of previous reptile surveys for their land then these should have been provided at the application stage, and more recent images of the site would also have assisted. It is not for the LPA to investigate previous application documents and see if they contain information (now ten years old) that may or may not relate to a current application. Oddly, the fact that reptile populations were recorded on the adjacent land makes it more likely that they would occur in any other suitable habitat nearby.

Far from being 'red-tape', it is the legal responsibility of the applicant, and the LPA, to ensure that legally-protected species are not harmed by development. The advice to applicants in terms of their responsibilities for providing sufficient information at the application stage is clear on the HBC planning webpages. Had the original application been accompanied by the requisite ecological information then there would be no need for any delay in planning.

Given that the site no longer supports suitable reptile habitat there seems no need for conditioning a reptile mitigation strategy.

In terms of lighting and impacts to bats, the eastern boundary of the site abuts the lane which is immediately adjacent to woodland, hence my comments. The lane is fringed by mature trees and scrub and links directly to Hollybank Wood, one of the most important sites in Hampshire for bats. There is full justification for placing sensible restrictions on the use of artificial lighting. I would be especially concerned over any proposed lighting of the eastern elevation or the proposed site access e.g. from security-type lighting. The following would seem sensible:

Prior to the commencement of development activities, a lighting strategy shall be submitted to and agreed in writing by the Local Planning Authority. The lighting strategy shall achieve zero illumination of vegetation at the boundary with Havant BOAT 66a. Reason: to protect biodiversity in accordance with the Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

This could be achieved through the use of low-level, motion-activated sensor lighting in order to provide sufficient illumination for access purposes.

Original Comments:

Thank you for forwarding some recent images of the application site.

The site appears to contain unmanaged vegetation such as tall grassland and herbage with some low scrub, and is abutted by mature trees and scrub. This is highly likely to support common reptile species and I would suggest that the presence of reptile species is ascertained and details provided of how any reptile present will be safeguarded.

The site is also immediately adjacent to mature woodland and therefore I would expect

to see no artificial illumination at the site entrance or anywhere else on site which could result in spillage onto the lane or the woodland.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

The application is not accompanied by any ecological information and I have therefore carried out my own, non-exhaustive desk-based assessment using the application documents, online sources and recent GIS mapping. I am unsure what, if any, vegetation is present within the application site. A review of recent aerial imagery appears to show unmanaged grassland and scrub. If this is the case then there may well be constraints associated with protected species, especially as the site is adjacent to Hollybank Wood. I would request some recent photographs of the application site itself before making detailed comments.

Officer Comment: Additional discussions have taken place where a wording for a condition to be included with the decision has been agreed.

Crime Prevention

No comment

Southern Water

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

Please note:

- No development or new tree planting will be allowed to be located within 3 metres either side of the external edge of the public sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

Furthermore, due to changes in legislation that came in to force on 1 st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Officer Comment: A condition and informative shall be included with the decision.

Environmental Health

I refer to the above application under the Town & Country Planning Acts passed to this Service for comment.

I have perused the enclosed plans I documentation provided by the applicant. I have no adverse comment to make other than to ask that, if consent is to be granted on this application, I would ask that the following informatives be added to any positive Decision notice.

Informative regarding Hours of Work:

You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank I Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 - 18.00 and Saturday: 8.00 - 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Informative regarding Bonfires:

You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of nearby residential properties from smoke pollution.

Informative regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.

This is in order to protect the occupants of nearby residential properties from dust pollution.

Informative regarding wood burning or multi-fuel stoves I appliances:

You are hereby advised that whilst no smoke free zones currently exist within the Havant borough, this does not relieve operators I owners of wood burning or multi-fuel stoves appliances, from ensuring that they do not cause nuisance to other residents within their neighbourhood. If you are unsure as to what your position would be in relation to existing legislation such as the Environmental Protection Act 1990 or the Clean Air Act 1993, it is recommended you contact the Environmental Health Pollution team, at Havant Borough Council.

This is in order to protect the occupants of nearby residential properties from smoke pollution, and also yourself from potentially breaching current legislation.

Officer Comment: The informatives shall be included with the decision.

Highways Engineer, Development Engineer

Hollybank Lane is a byway open to all traffic a (BOAT) so its my understand that it can be used to take access. However I would advise that the HCC Rights of Way is consulted.

Landscape Team, Havant Borough Council

From a landscape perspective we have the following comments:

- The proposed site access via the by-way open to all traffic (BOAT) no 66a, has the potential to cause tensions with cyclist, pedestrians and horse riders using the BOAT and vehicles accessing the property. One solution to this issue could be to create an appropriate passing point which allow sufficient space to let all users pass down the narrow BOAT safely.
- There is a lack of information supplied in relation to proposed boundary details, hard landscaping and soft landscaping. We require this information to understand what is proposed within the development and how this will interact with the existing landscape.

As such we require the following documents to be submitted:

- A detailed soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number and density.
- 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
- 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.

Officer Comment: A condition shall be included with the decision.

Natural England Government Team

Appropriate Assessment. No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Protected Species

We have not assessed the application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application.

As Standing Advice it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. However, the Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk

General Advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Public Spaces

No comment

Waste Services Manager

No concerns

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: 11

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 13- Objection
1- Support

The comments regarding the use of the BOAT have been summarised as follows:

- This is used by horses, cyclists and dog walkers freely and no other cars drive up this road. Having cars driving up and down it would be dangerous.
- The Byway is a designated cycle, horse riding and ramblers route. There is no public access to this land for vehicles which keeps it safe for users.
- Three parking spaces proposed on the site including additional traffic from refuse collectors, post and delivery drivers which would be unsafe.
- Large lorries delivering construction materials and taking them away shall cause a danger.
- Is this legal?
- Children roam freely on the bridle path. With very few places that children can access on their own without the worry of traffic I can't believe the Council would allow this to happen.
- Wildlife and natural areas of beauty must be preserved and protected. We need amber bollard's and vehicle restriction signs at the very start of Hollybank trail.

- Allowing vehicle access would be contrary to Policy CS8 Community Safety of the Core Strategy.
- If planning is granted, is there anything to prevent other people using the byway to park? How can this be policed? If permission is granted to build 260 houses on Long Copse Lane there are likely to be many more users of the byway.

Officer comment: See section 7

Comment	Officer Comment
Concern raised by No 4 Aubin Wood regarding: I live immediately behind the proposed second property to be built on this plot. My concern is the loss of light especially in winter as I am flanked by the oak trees, the very high laurel hedge and to the east the new proposed building already with consent. If the trees are cut which seems inevitable due to their density privacy will be a concern to me as well as to the future neighbours. I do not agree with the access to the bridle way as a lot of people use the pathway for pleasure and vehicles using it would cause problems. In the Design & Access Statement the applicant promotes the use of public transport but due to cut backs there is now a very limited service and definitely not one for commuting.	See section 7
Concern raised by No 61 Hollybank Lane regarding: Firstly, The Design and Access Statement isn't showing the correct boundaries, they are the wrong way round to the drawing on the website. initially from that I assumed I had no windows on my side but discovering this didn't match up with the drawing it appears that I have two bathroom windows looking down on my garden seating area. On this same wall there is also shown a chimney, is this going to be for a working wood burner fire? A big concern also will be the loss of light in winter as I am flanked by TPO's to the east, a very high laurel hedge to the south and on the same plot a house to the west that already has been given planning consent. The proposed access to the bridle way will interfere with the enjoyment for the many people who use it, e.g for dog walkers, cyclists, horses, but who will	See section 7

then have to be aware for any possible traffic.	
Concern raised by No 2 Aubin Wood regarding: We regularly use the bridleway/cycleway to the east of the proposed development as an amenity as it connects with the footpath leading from the Aubin Wood Development. It was recently resurfaced to improve access for equestrian's, cyclists and pedestrians. Allowing regular use by up to at least three vehicles accessing the new property represents a major change of use over a route not currently designed for this purpose. If approved, it would need to be supported by new signage making clear the risks to non-car users. It is likely that visitors' vehicles/delivery vehicles will also use the path and possibly block it, leading visitors to the woods thinking that the bridleway is an acceptable place to park. Access must be kept free at all times for emergency vehicles. Consideration should also be given to the construction of a smaller property, in order to reduce the volume of vehicles conflicting with other users of the bridleway/cycleway. In its present form the application represents a hazard to current users of the access way. The original application stated that sewer access would be gained via Aubin Road (sic) to the west of the proposed development. The response from Southern Water identifies an available sewer to the east. A precise plan of sewer access should be seen before planning approval is granted to ensure that the proposed route is feasible. There is currently a hedge running along the northern edge of the site which forms a valuable wildlife corridor from the adjoining woods into the Aubin Wood Development. This is evident in the variety of species of birds that currently access the hedge. It should be recommended that this is maintained, albeit at a more reasonable height of 10/12 feet.	See section 7

Concern raised by No 8 Aubin Wood regarding: I consider the proposed house to be built much too large for the plot and I object to losing light and having a high brick wall of a house just a few feet away from my patio doors.	See section 7
Support raised by No 69 Victoria Road: As a local resident and regular walker/horserider in Hollybank woods I am totally in support of this small single dwelling development just off Holly bank lane in the by-way section of the lane. In my opinion it is filling a gap between the houses. This part of lane used to provide access to 3 other dwellings further into the woods, All of which have now been demolished, (one during the building of the Aubin Wood development) The track itself is now partially tarmacked which is more suitable for vehicular use than the stone track that was there previously. This part of the lane is already in regular use by delivery drivers delivering to Aubin Wood.	See section 7

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) BOAT- Byway Open to All Traffic
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Residential amenities of proposed dwelling
- (vi) Parking
- (vii) Trees
- (viii) Ecology
- (xi) Habitats Regulations Assessment (HRA)/ Developer Contributions/CIL

- (i) Principle of development

7.2 The application site is situated within an urban area as defined by policy CS17 where further development is considered acceptable subject to the usual development control criteria. Policy CS9 supports new dwellings which help the Borough achieve its allocated housing requirement and therefore the principle for the additional dwelling is acceptable.

- (ii) BOAT- Byway Open to All Traffic

- 7.3 The proposed application has caused significant concern from neighbouring residents regarding the use of the BOAT as access to serve the proposed new dwellinghouse.
- 7.4 The history of the site is that the BOAT used to serve the original dwellings at the top west side of Hollybank Lane as a road for vehicles. When the new development was built two new access roads were created from Oak Tree Drive to serve the estate and therefore the BOAT has not been used for vehicular access and has become a space free from traffic. This change over time has meant that it has been primarily used as a through route for pedestrians, horses and cyclists to access the woods to the north. However the byway has not been formally designed to be anything more than an access road for vehicles and this its current use still. In 2016 the byway was reinforced with a combination of concrete and tarmac making it safe for vehicular access. Therefore it is not illegal for the BOAT to be used by cars nor is it considered to be contrary to policy CS8 of the Core Strategy (Local Plan) 'Community Safety' as the site has been used by vehicles in the past and has not been designated formally for any other use of the byway..
- 7.5 The application has been submitted with information confirming the modest use of vehicular activity the application site would generate. The proposal has recently been reduced in size to a three bedroom proposal meaning that two parking spaces within an integral garage are proposed instead of three. Both the County and Highways team have been consulted in regards to the use of the BOAT for this modest use and have raised no concerns taking into account the BOATs past use as a vehicular access and the recent reinforcement of the road making it capable to take vehicles.
- 7.6 Therefore the principle of using the BOAT as an access for this one dwellinghouse is considered to be acceptable.

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

- 7.7 The land in question is situated between a residential development and in 2016 planning permission was granted for a new dwellinghouse to be positioned to the west side of the application site at two storey. The current application now seeks to develop a dwellinghouse to the east side of the application site with access onto the byway adjacent to it which shall sit within the greater residential area and is considered to be acceptable.
- 7.8 The application site is considered to be large enough to accommodate a new dwellinghouse however concerns were raised in relation to the mass and bulk of the proposal and the adverse impact that this could have to the neighbouring dwellings. As a result the development was reduced in scale from 4 to 3 bedrooms and the design was amended. The scale and massing of the dwelling is comparable to that of surrounding development and whilst matching materials have been confirmed further details of these shall be agreed at condition stage to ensure that the materials proposed are compatible with the existing palette in the immediate vernacular.
- 7.9 The dwelling would be set off by 1.8m from the shared boundary to the north and 1m to the south. The works include a two bay garage to the south side providing a provision for 2 spaces and widening the gap between the proposed dwellinghouse and neighbour to the south. The rear garden would be a minimum of 13m deep creating a distance between the extant permission for the new dwellinghouse to the west of approximately 21.7m. This complies with the Borough Design Guide and is considered to be larger than other garden depths in the vicinity.

Overall it is considered that the proposed development would integrate well within the character and appearance of the area and would have an acceptable visual impact to the locality.

- 7.10 The design and appearance of the proposal is deemed appropriate in context to the 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.

(iv) Impact upon residential amenity

- 7.11 The works have the potential to impact Nos 4-8 Aubin Wood, No 1 Brunswick Place and No 2 Aubin Wood.
- 7.12 Concern has been raised from neighbouring dwellings within the terrace of Aubin Wood to the north of the application site that the works shall appear over-bearing, cause over-looking and adversely impact light levels reaching the neighbours. It is considered that the development does have the potential to cause an impact however it is noted the works shall be positioned forward and to the east of the neighbouring dwellings to the north which shall reduce any impact caused to shadowing and losses of light. At the closest point to the neighbours the development shall be set away from the boundary by approx 3m creating a total distance between itself and No 8 (the closest dwellinghouse) of 12.4m. The works have also been designed to have an eaves height of approx 5m which is modest for a two storey dwelling and the roof is then hipped away to the south meaning the highest part of the dwellinghouse is set further away from the neighbours. Taking in account the other neighbouring relationships within the estate this level of impact is considered to be limited and although objection has been made, on balance, the design and distances created with the proposed dwellinghouse is considered to not result in a significantly un-neighbourly impact. No windows are proposed in the north side elevation of the proposed dwelling thereby maintaining privacy levels between the neighbours and preventing any over-looking caused.
- 7.13 The neighbouring dwelling No 2 Aubin Wood shall be set sufficiently away from the proposed dwellinghouse by approximately 24.6m which meets with guidance stipulated in the Borough Design Guide for acceptable back to back distances between new dwellings. It is noted that No 2 shall be to the north of the application site which shall ensure that no direct over-looking occurs between the neighbours. The development is therefore considered to be acceptable.
- 7.14 No 1 Brunswick Place is the neighbouring dwelling to the south. Initial concern was raised with the agent that the works had the potential to appear over-bearing to No 1 and plans were amended that altered the footprint of the dwellinghouse, the design and parking layout. The closest part of the development to No 1 is the proposed integral garage which shall be single storey in height and set away from the shared boundary with No 1 by 1m to the rear west and 2.5m to the front east. With an eaves height of 2.3m and from being hipped to the north the works are considered to not appear over-bearing or cause an oppressive view from No 1 and its rear amenity space. The two storey part of the dwellinghouse shall be approx 6m away from No 1 which is considered, taking into account the position of the proposed works to create an acceptable relationship between the neighbours. A window is proposed within the first floor south side elevation to serve a bathroom and has been annotated to be fitted with obscure glass. A condition shall be included to ensure this is carried out so that privacy levels are maintained and no over-looking occurs.

A ground floor window is positioned in the south side to serve the dining room which shall be screened by the boundary between the dwellings. The proposed works are therefore considered to have a limited and acceptable impact on the neighbour to the south.

- 7.15 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).
- 7.16 Permitted development rights shall be removed as part of the proposal to ensure that any further development work to the dwellinghouse or outbuildings within the curtilage of the site require permission from the planning authority.

(v) Residential amenities of proposed dwelling

- 7.17 The layout shows how the site would be laid out and includes two integral parking spaces. An minimum garden depth of 13m with a width of 12m is provided which complies with the Boroughs Design Guide and is considered to be an appropriate size. As the dwellinghouse is situated within a residential estate there is the potential for the dwellinghouse to be impacted by overlooking from the neighbours however this would be limited to parts of the rear amenity space and is an expected impact in an urban environment. Therefore overall it is considered that the impact on the dwellinghouse is acceptable in terms of the amenities of future residents.

(vi) Parking

- 7.18 The proposal provides two parking spaces within an integral garage. It is noted that the garage size does not meet with the required size standards of 6m deep and 3m wide per space however it is noted that the garage is large enough to accommodate 1 car as a minimum. The application site in addition is able to accommodate a minimum of 1 parking space to the front of the dwellinghouse and therefore although the garage is not large enough to accommodate both cars as proposed, the parking provision can be met. The access to the dwelling via the adjacent byway has been assessed and outlined in point 7.3-7.6 of the report and is considered to be acceptable.

(vii) Trees

- 7.19 The site has a fringe of mature trees running from the south to north of the site. A consultation has been had with the Arboricultural Officer to assess whether any significant harm would be caused as a result of the development. Additional information from a Tree Protection Plan and Arboricultural Impact Assessment have been submitted with the application which has met with no objection from the Arboricultural Officer pending the guidance and mitigation measures being followed in accordance with the reports submitted. This shall be conditioned as part of the decision.

(viii) Ecology

7.20 The Ecology Officer has been consulted with in regards to the proposal. Concern was raised that the site may accommodate potential reptile species and that further investigation would need to be undergone. However, following a further assessment of the site it was considered to be unlikely that this species would be present and the concern was removed. The site as discussed in point 7.18 has a mature fringe of trees running the length of the site and it is considered that bats and other wildlife would use this route to reach the woods at the north of the byway. As a result it is considered necessary to condition any lighting that is proposed to be used onsite in order to minimise any disruption caused. This is considered to satisfactorily address the concern raised and the Ecology Officer has raised no objection to the proposal being granted planning permission. The condition of the wording has been reviewed and shall be included with any decision issued. The development is considered to be acceptable.

(xi) Habitats Regulations Assessment (HRA)/ Developer Contributions/CIL

7.21 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file. 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 application was then subject to an Appropriate Assessment under Regulation 63.

7.22 This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into the legal agreement to secure the mitigation package and paid the relevant contribution comprising a contribution towards the SRMS totalling £688.85. The relevant contribution has been paid and UU signed and submitted as part of the application.

7.23 The application is liable to pay the Community Infrastructure Levy a total of £12,133.93 and the relevant forms have been sent including a draft liability notice.

8 Conclusion

8.1 The proposal would result in a good size, family dwelling which would integrate well with the newly developed residential scheme subject to the approval of high quality materials. The application is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00481 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:

Arboricultural Impact Assessment: Reference No
AIA/AMS-KC/61HOLLYBANK/001

Tree Protection Plan: Drawing No TCP-KC/61HOLLYBANK/001

Site Location, Tree Information and Parking Plan: Drawing No
14415_TOPO_REV_A

Proposed Elevation Plan: Drawing No 15A

Proposed Floor Plan: Drawing No 14A

Location Plan: Drawing 1B

Block Plan: Drawing 2A

Reason: - To ensure provision of a satisfactory development.

- 3 The development must be undertaken in accordance with the Arboricultural Impact Appraisal and Method Statement dated September 2018 Reference AIA/AMS-KC/61HOLLYBANK/001 and Tree Protection Plan dated September 2018 Drawing No TCP-KC/61HOLLYBANK/001 supplied by *Technical Arboriculture*.

Reason: To secure the conservation and enhancement of existing natural features and having due regard to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the building has 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The car parking, servicing and other vehicular access arrangements shown on the approved plans Drawing No 14415_TOPO_REV_A 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.

- 6 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Details shall include the finished levels, edging and/or threshold detail/type and any retaining structures or steps. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018

- 7 No development shall take place until finished floor levels for the proposed building(s) relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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.

- 8 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018

- 9 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.

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/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 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. 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.

- 11 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions to the main dwelling or outbuildings shall be constructed within the curtilage of the site or any roof alterations made (including the provision of roof light windows) without the prior approval of the Local Planning Authority.

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

- 12 No external lighting shall be installed at the site in relation to the dwelling hereby approved in relation to the construction phase or thereafter unless and until a lighting strategy including plans and particulars specifying the lighting provision, levels of illumination and light spill have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The lighting strategy shall achieve zero illumination of vegetation at the boundary with Havant BOAT 66a.

Reason: To safeguard the biodiversity of the area in accordance with the Wildlife and Countryside Act 1981, NERC Act 2006 and having due regard to policies CS11 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 13 No development shall commence until details of how the development would not cause harm to the public surface water sewer have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application site lies within close proximity to a public surface water sewer and as such it should be demonstrated that any proposed development will not result in harm to the public drainage apparatus. The condition is imposed having due regard to Havant Borough Local Plan (Core Strategy) 2011 policy CS19 and the National Planning Policy Framework 2018.

- 14 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained 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, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 15 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the window in the first floor side elevation facing south and serving the bathroom shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and 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.