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| Site Address: | Land adjacent to, Victoria Road, Hayling Island | | |
| Proposal: | New vehicular access to paddock. | | |
| Application No: | APP/17/00931 | Expiry Date: | 29/11/2017 |
| Applicant: | Mr P Hickman | | |
| Agent: | | Case Officer: | Karen Wooden |
| Ward: | Hayling West | | |

Recommendation: **REFUSE PERMISSION**

## 1 Site Description

1.1 The proposed location of the access point site is located to the south of Victoria Road,opposite Kingston House and the driveway to 'Acacia', 'Papillon' and 'St Ebbes Cottage'. The site is outside the built up area and within Flood Zone 3. The boundaries are generally well screened with hedgerow/shrubs and trees. The site is relatively flat. To the east are stable buildings and the existing use of the site appears to be for horse grazing, stabling and training of horses. The site comprises a parcel of land outside of the identified urban boundary approximately 0.81 hectares in size.

1.2 There is an existing access via a track running south from Victoria Road which passes Rose-Marie a dwelling fronting Victoria Road. There are other properties to the south of the site; Nos 172, 170 and to the west 174 Havant Road.

1.3 A definitive right of way runs along the southern boundary of the site leading from Havant Road to the wider countryside to the east.

## 2 Planning History

09/74189/000 - Erection of a pre-manufactured green metal shed on a hard core base, supported with timber., PERM,15/03/2010
APP/16/00319 - Outline Application for proposed residential development., REF,07/07/2016

## 3 Proposal

New vehicular access to paddock.

## 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

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

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

## 5 Statutory and Non Statutory Consultations

**Arboriculturalist**
Two Hawthorns are either side of the proposed new access but they are small specimens should not be impacted by the new access. No objection in arboricultural terms.

**County Ecologist**
I would recommend that the applicant commissions a Phase 1 ecological survey of the site: this should include an assessment of the potential for the site to support protected species (to be provided by a qualified ecologist (see Natural England guidance on finding a suitably-qualified ecologist). The Chartered Institute of Ecology and Environmental Management (CIEEM) (www.cieem.net) holds a database of suitably-qualified ecologists. The survey should include an assessment of the potential for the pond to support great crested newt (GCN).

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.

**Highways Engineer, Development Engineer**
The Highway Authority has no adverse comment to the principle of this application
The construction of the proposed dropped kerb requires the approval the Hampshire County Council as the Highway Authority see
https://www.hants.gov.uk/transport/parking/droppedkerbs

**Landscape Team, Havant Borough Council**
This application for a new pedestrian and vehicle access from Victoria Road will require introduction of a gap via an existing field hedgerow, which delineates the northern application site boundary. The adjoining verge and road associated with the proposed access comprises Adopted Highway land.

The existing hedgerow appears long established and exceeds 250m in length. In terms of the Hedgerow Regulations 1997, it entirely feasible that this could be deemed 'Important' by sufficiently meeting the criteria as set out in Schedule 1, Part II. We make no comment in respect of Archaeology, history or biological records, but acknowledge other parties may be able to provide appropriate documentary evidence to confirm the hedgerow can be formally recognised.

From a preliminary site visit (20/11/17), it is clear the hedgerow contains a range of native Woody Species (as listed in Schedule 3), with minimal gaps and a number of emerging standard trees. Unfortunately, the time of year limits the scope to identify woodland herbaceous species (as listed within Schedule 2). We confirm a detailed vegetation and measured survey would need to completed during late Spring / early Summer in order to fully ascertain whether this hedgerow presents sufficient plant species diversity and physical characteristics to be deemed 'Important.

Should this hedgerow be subsequently verified as 'Important, the Regulations cannot reasonably be used to prevent the proposed site access by means of a gap less than 4 metres in width.

Native field boundary hedgerows are intrinsic to the local landscape character that offer local biodiversity benefit as foraging and migration habitat. The retention and enhancement of these local landscape features is to be encouraged by means of appropriate long-term management.

From a landscape perspective, the existing hedgerow has not been particularly well managed or maintained. Much of native Woody species are outgrown, with high volume infill dominated by Blackberry (Rubus), Ivy (Hedera) and Nettles (Urtica), an indication of declining species diversity. The existing verge along the northern side of the hedgerow contains a notable volume of dumped grass cuttings and vegetation clippings, something that will be enriching the ground (as evidenced by the volume of Nettle growth) to the detriment of native wildflora diversity.

Of particular concern, there appears to be a sizeable stand of Japanese Knotweed within the hedgerow and application site (opposite existing dwellings 'The Holt' and 'Coniston' on Victoria Rd). This plant is particularly invasive and requires further action to eradicate and prevent any further spread. Under the Environmental Protection Act 1990, this plant and any soil that may contain fragments of this plant are deemed 'Controlled Waste? and as such must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991.

To conclude, there is no Landscape Team objection to the above application, subject to the following conditions:

- The proposed access works may not be commenced until detailed proposals are approved for the appropriate site management and eradication treatment of all Japanese Knotweed present on site.
- The proposed access works may not be commenced without an approved hedgerow management plan in order to protect and promote the longevity of this local landscape feature.

## 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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 16

| Comment | Officer Comment |
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| Many of the objections received covered the same concerns so I have summerised the points below: | |

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| The removal of the ancient hedgerow will reduce the natural habitat, greatly affecting wildlife | Addressed in Section 7 |
| The ancient hedgerow is important to the local character of the area | Addressed in Section 7 |
| Removal of ancient hedgerow is contrary to the Hedgerow Regulations under Section 97 of the Environment Act 1995 | Addressed in Section 7 |
| The applicant does not own the land | The owner has confirmed to the Council by means of the submission of the red line plan and additionally by email that he is the landowner. The ownership of the land is not a planning consideration and would be a civil matter. |
| The land is within Flood Zone 3 | Addressed in Section 7 |
| The proposed access is close to the point at which Victoria Road narrows, and is opposite a private driveway. The access will cause further traffic congestion and parking issues for all users. | Addressed in Section 7 |
| Why is an additional access required. | This is not a planning consideration by which we are able to determine the application |
| The access proposed relates to the potential sale of the land. | This is not a planning consideration by which we are able to determine the application |

## 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 and the highway
(iv) Flooding issues
(v) Impact on Ecology

(i) Principle of development

The application site is located within the non- urban area, however, the development is considered acceptable, in principle as to provide access to the existing field, subject to other development management criteria considered below.

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

Concern has been raised by objectors that the new access within the established 'Ancient' hedgerow will be detrimental to the visual amenity and character of Victoria Road. However the area of hedgerow the subject of this application has not been well maintained or managed, with much of it being made up of Ivy, Nettles and Japanese Knotweed, and it is therefore considered that, subject to a future hedgerow management plan, the removal of this small area of hedgerow is likely to improve the visual appearance.

For a hedgerow to be protected under the Hedgerow Regulations (1997) it would need to meet the criteria set out for length, location and importance.

The hedgerow is more than 20m long with gaps of 20m or less in its length, and is next to land used for the keeping of horses and therefore meets the first two criteria. It has not been demonstrated whether or not the hedgerow would meet the 'Importance' criteria, however should this hedgerow be subsequently verified as 'Important, the Regulations cannot reasonably be used to prevent the proposed site access by means of a gap less than 4 metres in width. Overall it is not considered that the proposal would have a significant impact on the character and appearance of the area, subject to conditions including an agreed hedgerow management plan.

(iii) Impact upon residential amenity and the highway

Concern has been raised by objectors that the new access would impact the flow of traffic along Victoria Road. The information provided by the applicant shows that the application is to provide a more direct access into the existing field, and there is no evidence that this would result in an increase in traffic onto Victoria Road and therefore it is not considered that this would have a significant impact on residential amenity. The Highways Engineer has been consulted and has no objection to the proposal.

(iv) Flooding issues

The site is located within a flood zone 3 - as identified on the Environment Agency flood zone map. However this application is for access to the field and therefore it is not considered that this would result in any additional risk to life.

(v) Impact on Ecology

The application is not accompanied by any ecological information and there is potential for legally-protected species to occur on site. Given that this information has not been submitted, it is considered that the application does not meet the NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species. These 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 enables 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.

A Phase 1 ecological survey is required to determine whether there is any evidence of protected species or whether the site offers habitat suitable for supporting protected species, and whether the proposed works are likely to result in impacts to those habitats or species. Unless it can be concluded that there is no reasonable likelihood of protected species being present (due to negligible potential) or, that if present they are not to be impacted by the works, it is highly likely that further ecological survey work (Phase 2 survey) would be required prior to determination of the application. The results of any further surveys should be used to provide an assessment of the likely ecological impacts of the proposed works and to inform any mitigation measures.

In the absence of any such assessment, it cannot be concluded that the development would not have a significant effect on protected species and the proposal must be refused.

## 8 Conclusion

8.1 It is considered that the proposal would not have a significant impact on either the amenity of the residents or the character of Victoria Road, providing a hedgerow management plan is in place, however the Local Planning Authority are unable to assess the potential ecological impact without the submission of a Phase 1 Ecological Survey, and therefore the application is recommended for refusal.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/17/00931 for the following reason

1 In the absence of information available to the Local Planning Authority it has not been demonstrated by the applicant that the proposed development could be undertaken in a satisfactory manner without a harmful impact to protected species. The proposal is therefore contrary to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Note - The 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 of a planning application, 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.