

Recommendation: **GRANT PERMISSION**

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)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

The site is currently open, with boundary hedging and mixed tree species on the south and east boundaries. Although this offers good screening there are no trees of TPO quality on these boundaries. On the western boundary are 3 mature Oak trees protected by a Tree Preservation Order. There is evidence of pruning having been undertaken to manage these trees. The trees shown to be removed on the tree protection plan are not suitable to be protected by a Tree Preservation Order and I have no objection to their removal.

Although I have no objection in principle to this development, in order to ensure the Oak trees on the western boundary are an adequate distance from the proposed new dwellings numbered 3 and 4, is it possible they could be moved back by 1 metre?

Officer note - If the houses were moved back 1m this would reduce the rear garden depth which is important to retain to avoid overlooking. On balance it is considered that as the trees are outside of the RPA and the Tree officer does not raise any objection in principle, it is considered that the properties should remain in the position as proposed.

Building Control, Havant Borough Council

It does not appear from the plans provided that there will be adequate fire brigade access to within 45m of all points within Plot 4.

Officer note - this is a building control matter.

Environmental Health

Contamination:

There are no contamination or air quality issues with this site. I have further comments on the OPUS drainage strategy which appears to be lacking in sustainable urban drainage solutions. A condition is therefore advised to be included in relation to an adequate drainage scheme.

Commercial:

Please include informatives relating to hours of work, external lighting, bonfires and

dust.

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment on this application subject to the area of parking and turning shown on plan number 1775-01a (**Officer comment:** Now 01b) is provided and retained.

The existing dropped vehicular crossing is to be widened as part of this application so an informative comment should be added to any planning permission stating that permission of Highway Authority is required for works on the highway.

Council's Drainage Engineer

I concur with the EHO to include a condition relating to an adequate drainage strategy.

Waste Services Manager

No objections.

Council's Landscape Officer

The planting plan lacks clarity and submitted planting schedule and landscape legend do not adequately demonstrate what is proposed within the landscaping strategy.

There are a number of issues with the submitted plan including:

- Specification of flowering cherry tree (all cherry trees flower). What tree is being planted? What size is the tree going in at?
- The specification of native hedge. What plants are proposed within the native hedge? What size are the plants going in at?
- The management plan suggests that any plants that fail within 12 months need replacing. This is not deemed acceptable and a minimum of 5 years should be put in place for replacement planting. Furthermore the management plan states '*All trees and shrubs shall be adequately watered in dry periods to ensure their continued growth. After 14 days without rain during the months of April to Mid September watering shall commence, min 25litres per tree and 5litres per shrub*'. This is not deemed adequate as the shrubs would fail within two weeks.

We suggest conditioning the following:

- 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, with cross section diagrams to show construction detailing as hard surfacing falls within RPA of existing tree.
 - laying bond
 - edging or threshold detail / type
 - details of all boundary treatments including type / product reference and colour
- 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, as well as, the proposed planting implementation programme. This should be accompanied with a management plan to cover a minimum of 5 years.

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: 18

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: A total of 5no. objections were received. A summary of the points raised is provided below:

Comment	Officer Comment
Potential safety issues with additional traffic entering / exiting onto Lovedean Lane.	The Council's Development Engineer has been consulted and has not raised any objections to the scheme with regards to highway safety or traffic issues.
The proposed planning for two semi detached houses replacing the bungalow will not only add to traffic on Lovedean lane but also cause more disruption during the proposed works.	This is not a planning consideration as the construction period would be temporary.
The scheme would be an overdevelopment of the site.	Please see Planning Considerations below.
Semi-detached dwellings would be out of character with the streescene and of a low quality design, with limited internal space.	Please see Planning Considerations below.
The TPO trees on site should be protected.	Please see Planning Considerations below.
The scheme should be reduced to three units.	Please see Planning Considerations below.

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) Impact on trees
- (v) Parking and highways considerations
- (vi) Other matters

(i) Principle of development

The site lies within the built up area as defined in the Local Plan where new residential development is considered acceptable in principle. The proposal would also accord with the Council's recently adopted Local Plan Housing Statement as it would contribute 4no.new dwellings within the urban area to the urgently required housing numbers. However, it must be examined against other development management criteria to ensure that any harm does not outweigh the requirement for new housing.

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

The proposed development would comprise the demolition of the existing bungalow and its replacement with a pair of semi-detached bungalows fronting onto Lovedean Lane and two further detached dwellings at the rear facing towards the rear garden of No. 35 Lovedean Lane. The dwellings appear fairly typical of the character of the locality being of traditional design and using brick and tile materials. Plots 1 and 2 which face into Lovedean Lane have been amended in their design to chalet bungalows as opposed to full height, two-storey properties. This design approach accords with the character of development on this side of Lovedean Lane which is mainly detached or semi-detached dwellings, albeit of varying sizes and designs. Most of the dwellings include front gardens or driveways and therefore the proposed design is in keeping in this respect.

Each dwelling includes private amenity space in the form of a rear garden, the depths of which are less than properties on the south side of Lovedean Lane but comparable to those in Passingham Walk which lies to the rear of the application site. Parking is proposed for each dwelling in accordance with the Council's adopted parking standards. The rear dwellings would be accessed using a driveway which extends along the boundary with No. 35. Concerns have been raised that the proposal would constitute an overdevelopment of the site and that the scheme should only include 3no. dwellings. However, on balance the site would appear to be of a sufficient size to support this number of dwellings without compromising on elements such as amenity space and parking provision and being able to provide rear garden depths of at least 10m. It is considered therefore that the development would not constitute an overdevelopment of the site and would be in keeping with the character of the area and as such, accords with Policy CS16 of the Local Plan.

(iii) Impact upon residential amenity

The immediate neighbour at No. 31 is a detached bungalow of a similar design to the existing property on the application site. It is formed as an L shape with a converted garage to the west elevation of the main property. Within the side elevation facing onto the application site, there is a door, small window (appearing to serve a bathroom) and a further window and a window in the rear elevation of the converted

garage.

The closest new dwelling (of Plots 1 and 2) would be located 1.75m off the shared boundary. The west elevation of No. 31 is positioned a further 5m from the shared boundary giving a total separation of 6.75m. The side elevation of the closest new dwelling would be clearly visible from the side facing windows in No. 31. However, as the rear building line of No. 31 extends further out than the new dwelling would, the rear building line of the new dwelling would only extend out to as far as the bathroom window. Plots 1 and 2 have been reduced from a two-storey, full height building to a chalet style bungalow which has sought to reduce the bulk and mass of the structure, particularly on the roof area. Overall given the generous separation distance and that the rear building line would not impede past the building line of No. 33, it is considered that the visual impact of the new dwelling would not be so significant as to result in adverse harm to the amenity of the neighbouring property. The window in the rear elevation of the converted garage at No. 31 would suffer a degree of loss of outlook as the structure would extend slightly past the 45 degree line of sight when measured from the centre of this windows. However, this room is dual aspect with a further window positioned on the front elevation which mitigates against some of this impact. It is noted that no objections were received from the owners/occupiers of No. 31.

Plots 1 and 2 would introduce a new form of overlooking from the first floor windows. However, it is considered that this could have occurred if the existing bungalow were to have a roof extension and dormer window under permitted development, which would have been outside the LPA's control. It is therefore not considered a significant reason to justify a refusal on those grounds.

Plots 3 and 4 would have 3no. windows each at first floor level in the rear elevation which would look towards the rear section of the garden of No. 31, (the bathroom windows will be conditioned to be obscure glazed). However, there is a strong level of boundary screening within the site boundary which would obscure the majority of the view and the proposed rear garden depths would be 10m. On balance it is considered that any potential for overlooking would be reduced.

No. 35 lies to the west of the application site and would be 5m from the shared boundary line. Plot 2 would be separated by the driveway serving Plots 3 and 4 and would be a further 8m from the shared boundary so overall there would be a reasonable separation distance. The access road would be angled away from the shared boundary with No. 35 due to the presence of the 3no. TPO trees and the existing hedge would remain in situ. Overall it is considered that the proposal would have a limited and negligible impact on No's 35 and 37 Lovedean Lane (which are a pair of semi-detached properties).

With regards to the properties at the rear in Passingham Walk, these would be 4.5m from the side facing elevation of plot 4, separated by a footpath. Again there is strong vegetation screening along this boundary which could be conditioned to remain in situ. It is not considered that these properties would suffer any significant adverse impact as a result of the development.

(iv) Impact on trees

The Council's Tree Officer has been consulted and has advised that on the western boundary are 3 mature Oak trees protected by a Tree Preservation Order. There is evidence of pruning having been undertaken to manage these trees. The Tree Officer did enquire if the dwellings could be moved back by 1m however, this would

compromise the rear garden depth which is important due to the potential loss of privacy to No. 31. The proposed dwellings would be outside of the RPA's of the protected trees and are therefore not considered to result in adverse harm to the trees. The Tree Officer also advised that the trees shown to be removed on the tree protection plan are not suitable to be protected by a Tree Preservation Order and there is no objection to their removal or to the principle of the development.

(v) Parking and highways considerations

Parking for each dwelling would be provided in accordance with the Council's adopted parking standards and would therefore meet the requirements of Policy DM13. Although concerns have been raised with regards to additional traffic exiting onto Lovedean Lane, the Council's Highways Engineer has raised no objection to the scheme subject to the area of parking and turning shown on plan number 1775-01a (**Officer Comment:** now 01b) is provided and retained. The existing dropped vehicular crossing is to be widened as part of this application so an informative comment should be added to any planning permission stating that permission of Highway Authority is required for works on the highway.

(vi) Other matters

The proposal is CIL liable for the amount of £32,046.21 which is payable on the commencement of development. The proposal is also required to make a contribution towards the protection of the SPA in line with Policy DM24 of the Local Plan. This contribution has been made in full and the relevant paperwork has been signed and completed.

The Council's Environment Health Officer has advised that the drainage strategy appears to be lacking in sustainable urban drainage solutions and has advised a condition should be included in relation to an adequate drainage scheme. The Council's Drainage Engineer is in agreement with the provision of this condition to ensure that the site can be provided with adequate drainage.

8 Conclusion

The proposal is considered to be acceptable and is recommended for approval subject to the relevant conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/01069 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:

Floor plans Plots 3 and 4 - DN: 05
Elevations Plots 3 and 4 - DN: 06
Car port - Plots 3 and 4 - DN: 07
Location plan - DN: L01 A
Landscaping Plan - DN: 09
Site Layout Plan - DN: 01B
Site Sections - DN: 02A
Floor plans Plots 1 and 2 - DN: 03A
Elevations Plots 1 and 2 - DN: 04A
Roof plan - DN: 08A
Tree Report - Eco Urban Ltd dated 24 April 2017
Planning Design and Access Statement

Reason: - To ensure provision of a satisfactory development.

- 3 The cycle parking, car parking, servicing and other vehicular access arrangements shown on Site Layout Plan Drawing Number 1775 01 Rev B to serve the development hereby permitted shall be made fully available for use prior to the development being first occupied 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.
- 4 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 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 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.
- 6 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
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.

- 7 The development hereby permitted shall not commence until a fully annotated plan at a scale suitable to clearly show the required level of detail in relation to the following matters has been submitted to and approved in writing by the Local Planning Authority. :

1. hard surfacing material type / product reference and colour,
2. laying bond, edging or threshold detail/type
3. cross section drawings to show construction detailing within the Root Protection Area (RPA) of existing trees,
4. details of finished ground levels within RPA's of existing trees,

The development hereby permitted shall not be occupied until the implementation of all such hard surfacing 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 2012.

- 8 Notwithstanding the submitted details, no above ground construction works 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 11 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension or outbuilding permitted by Classes A or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To protect the amenity of the area and to secure satisfactory levels of private amenity space for future residents and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 12 Notwithstanding the submitted details no development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all surface water SUDs, 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.

Note: Please see related informative in relation to drainage.

- 13 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of Plot 1 hereby permitted the window at first floor in the east elevation 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.
- 14 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of Plot 2 hereby permitted the window at first floor in the west elevation 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.
- 15 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of Plots 3 and 4 hereby permitted the bathroom windows in the first floor on the rear elevation (as shown on the floor plan Drg No. 1775 05) 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.
- 16 The development hereby approved shall be carried out in strict accordance with the Tree Report prepared by Eco Urban Ltd on 24 April 2017.
Reason: To ensure the protection of on site protected trees 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 2012.
- 17 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.