

Recommendation: **GRANT PERMISSION**

CS11 (Protecting and Enhancing the Special Environment and Heritage of

	Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Arboricultural comments: The site consists of a corner plot in a residential street with a row of 10 mature Conifer trees lining the road side boundaries.

While these trees are currently protected by a Tree Preservation Order, they have outgrown their location and the condition of some are poor. In this case, I have no objection as to their removal as proposed within the brief tree report submitted. Their removal will allow for more appropriate mitigation planting should planning permission be granted. It was noted in the tree report that Swedish Whitebeam are suggested for replacement trees, which I am agreeable to. If permission is granted it should be conditioned that a detailed landscaping scheme be submitted for approval to ensure the replacement of the trees.

Further comments:

Thank you for consulting me again on this application. My comments remain unchanged.

Building Control, Havant Borough Council

No comments

Crime Prevention -Minor Apps

No comments received

Southern Water

Southern Water requires a formal application for a connection to the foul and surface water 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".

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Due to changes in legislation that came in to force on 1st 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 SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Development Engineer Highways

The highway Authority has no adverse comment to this application.

An informative note should be added stating that the construction of the new highway crossings requires the approval of the Highway Authority

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment to this application subject to the provision of the dropped kerb vehicular access.

An informative note should be added stating that the construction of the new highway crossings requires the approval of the Highway Authority

Further Comments:

The Highway Authority has no adverse comment to this application subject to the provision of the dropped kerb vehicular access.

An informative note should be added stating that the construction of the new highway crossings requires the approval of the Highway Authority

Waste Services Manager

I have no concerns over waste collection regarding this planning application

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 16

Number of site notices: 1 (posted with original description and again with revised description)

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
<p>The traffic down kings road is awful and getting dangerous due to the parents of the children attending mill rythe infant and junior school using kings road and restawhile avenue as a short cut and a car park, also the use of the scout hut and parallel parking etc. I feel that adding an extra house to the corner would be a recipe for disaster during and after development. During the development I foresee accidents and after I can see huge problems with parking and traffic possibly causing congestion at millrythe, and possibly part of church road therefore causing a block throughout the street. .</p> <p>Parking and traffic congestion. The intended development plot stands on the corner of Kings Road and Restawyle Ave. On street parking by local residents occupies one side of the road nearest to the proposed development. Parents delivering/collecting children to/from Mill Rythe school are known to use this part of the road as well as adjacent roads which results in an increase in congestion to the detriment of passing traffic and most residents local to that area. This is quite a problem; we should not add to it.</p> <p>A large house will block drivers obstruct views to on coming traffic from the corner.</p> <p>There is no parking in this avenue as it is, a large house will add more car parking problems. Cars will have problems turning into the avenue when this house has cars parked outside, which it will do.</p>	<p>The proposal has been assessed by the Development Engineer Highways who has raised no objection to the proposal. Car parking is accessed away from the road junction and parking is further assessed in part 7 of this report.</p>

<p>THE SITE IS NOT BIG ENOUGH FOR A 4 BED HOUSE THEREFORTH, SOME OF THE CARS WILL NEED TO PARK OUTSIDE OR TAKE UP SPACES IN THE NEARBY PARKING BAYS.</p> <p>RESTAWLE IS A CUT THROUGH FOR FAST TRAFFIC, NO YELLOW LINES ON THE CORNER MAKES IT IMPOSSIBLE O SEE IF THE ROADS ARE CLEAR. . A HOUSE WILL BLOCK VISIBILITY. TOO NEAR THE JUNCTION.</p>	
Also the natural habitat of the site being used by the wildlife is a concern as to where the wildlife will go	The proposal is to re-develop a former garden with conifer trees to the boundary. Replacement and more suitable planting for the site will be secured by condition.
<p>The air pollution involved, and noise is also a concern as I have young children between 14weeks and 5years old living with my husband, grandfather and I.</p> <p>THERE IS NOT ENOUGH PARKING AS IT IS, AND WE WILL HAVE TO PUT UP LORRIES AND THE RESTWHILE IT IS BEING BUILT. BUILDING WORK WILL BE HORRENDOUS WITH THE SCHOOL RUNS.</p>	<p>The construction phase is time limited and any impacts on air quality are likely to be restricted as the development relates to 1 unit.</p> <p>The construction phase impacts are not a reason for planning refusal. Conditions and Informatives aim to mitigate these impacts where possible.</p>
The application if permitted would allow tandem and in fill development to what is a very space restricted area much too small to comfortably accommodate this proposal.	Considered in part 7 of this report.
Loss of amenity. The intended site is home to a stand of beautiful, mature and life enhancing coniferous trees. To an area that already lacks sufficient trees, their loss would constitute an act of vandalism. Conservation and protection of these trees is paramount	Considered in part 7 of this report.

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 streetscene/character of the area
- (iii) Impact upon residential amenity
- (iv) Impact upon TPO'd trees
- (v) Highway matters
- (vi) Other matters
- (vii) Developer contributions

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The development would make a modest contribution to the housing need within Havant Borough.

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

The proposed development would result in the removal of the existing boundary trees (see (iv)), and the erection of one 4 bed house to the southern side of No.59. The site is on a prominent corner and is relatively shallow and of a difficult shape.

The proposed dwelling would front onto Restawyle Avenue following the building line of No.59 to the north. The property to the east No.88 on Kings Road is set some way off, however, the front curtilage to this property projects towards the application site.

The proposed dwelling has been reduced in size and is now set further back from the Kings Road frontage by a minimum of 3.252m. The closest part of the dwelling to this frontage would be a lower part of the building. The removal of the existing trees would no doubt mean that the site is much more prominent than is currently the case, however appropriate landscaping including more suitable trees and hedges would help to assimilate the development into the street scene.

Overall, it is considered that the proposed dwelling would be compatible in design with adjacent dwellings and have an acceptable impact on the character and appearance of the area.

(iii) Impact upon residential amenity

The impact on residential amenity should be considered in relation to the properties beyond No.59 and for the occupants of No.59 and the proposed dwelling.

The main impacts on properties beyond No.59 are considered to be to No.88, 113 and 115 Kings Road and to 40 Rest-a-wyle Ave.

No. 88 is set mainly to the rear of the existing property No.59 Rest-a-wyle Ave. There are two windows facing the application site in No.88, however, the set off is sufficient to reduce the direct impacts to an acceptable degree.

The properties on the opposite side of Kings Road 113 & 115 are set well off and there are no first floor windows proposed to be facing south to these properties. This relationship is considered acceptable.

No.40 Rest-a-wyle Ave is on the opposite side of the Avenue. Whilst there would be primary windows in the proposed dwellings facing this property, this relationship would be similar to other properties and is considered acceptable.

In relation to the future living environment for the occupiers of the new dwellings and No.59, the development would provide one, four bed dwelling with a relatively large external amenity space but with restricted depth to the rear garden. The width of the garden is relatively wide and it is also noted that there is scope for reasonable privacy to be provided to the side and front garden areas with boundary planting proposed. The general configuration of these areas is such that they are considered to meet the general objectives of the Borough Design Guide SPD notwithstanding the fact that a 10m garden depth is not achieved. The proposal retains a 17m deep rear garden to the existing property No.59.

Overall the development is considered to provide acceptable external amenity space for residents and relates appropriately to adjoining residential properties.

(iv) Impact upon TPO'd trees

The application would require the removal of a number of TPO'd trees. This has been discussed with the Councils Arboricultural Officer who raises no objection to the removal of these trees (that have effectively outgrown their location and some also are in poor condition) subject to suitable replacements being provided. The landscaping proposed is considered to be appropriate and better suited to the residential environment proposed to be created than the existing highly dominant TPO'd trees. A condition is recommended in relation to securing the landscaping.

The removal of TPO'd trees is included in the description of the development.

(v) Highway matters

The proposal would result in an additional access to Kings Road with one disabled parking space shown for the new dwelling. Two more spaces would be provided for the proposed dwelling from Rest-a-whyle Avenue and this would meet the Councils car parking standards. The existing dwelling would also need to be provided with accessible parking - 2 spaces which is shown on the site plan. Parking would therefore meet the Councils car parking standards. Planning conditions are recommended to secure cycle and car parking as shown on the submitted plan.

It is noted that concern has been raised in relation to highway safety/congestion by third parties, however, it is not anticipated that a single additional dwelling would significantly impact on vehicular movements. The Development Engineer (Highways) has raised no objection in relation to the proposed development on highway safety grounds. An objection on these grounds could not, therefore be substantiated.

(vi) Other matters

It is understood that the dwelling would provide a suitably designed dwelling to meet the applicants ongoing health requirements. This requirement is appreciated and can be considered to be a material planning consideration but is not the determining factor in relation to the recommendation below.

An Informative is recommended in relation to the felling of trees and any possible impacts on bats.

(vii) Developer contributions

In relation to developer contributions, the proposal is CIL liable. It is noted that Self Build exemption has been claimed in relation to the development.

This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June 2014 require a payment of £181 per dwelling to the Solent Recreation Mitigation Project together with £20 administration and £8.80 monitoring fee. The Unilateral undertaking in relation to these matters together with appropriate contribution has been received.

8 Conclusion

In conclusion, the proposed development is considered acceptable in principle, has an acceptable impact on the streetscene/character of the area. The proposal would have a limited and acceptable impact on the amenities of neighbouring residents whilst providing adequate amenity space for the proposed residents.

Subject to appropriate compensatory landscaping the proposed loss of the existing trees is acceptable in arboricultural terms. Highway and parking issues are considered to be appropriately addressed.

Finally, SRMP contributions have been secured and CIL has been assessed as part of the development.

Planning permission is therefore recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00813

(A) subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location and Block Plan Drawing No. 8537 05

Location Plan, Site Layout, Elevations and Hedge Detail Drawing No. 8537 07

Rev b

Proposed Floor/Roof Plans and Perspective Drawing No. 8537 08 Rev b

Elevations Drawing No. 8537 09 Rev b

Tree Report Received 26th July 2017

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until details of existing and finished floor and site levels relative to previously 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 that the proposed development has an acceptable impact on neighbours residential amenities having due regard to policy CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 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.

- 5 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.

- 6 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(s) 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.

- 7 No above ground construction works shall take place until a more 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.

- 8 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.

- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure or windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To ensure that the development has an acceptable impact on the character and appearance of the area and neighbours residential amenities having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted and the existing dwelling 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.

- 11 The dwelling hereby permitted shall not be occupied unless and until the cycle parking shown on approved drawing number 8537 07 Rev b has been provided in accordance with the approved details. the cycle parking shall thereafter be retained and maintained.

Reason: To accord with the terms of the application and to provide sustainable non-car based travel options having due regard to policy DM13 of the Havant Borough Local Plan 2011, the Havant Borough Council Parking SPD 2016 and the National Planning Policy Framework.

- 12 No above ground construction works shall take place 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. The development hereby permitted shall not be occupied 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 2012.