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Ms Rachel McMurray : Planner
Development Management
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
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Dear Rachael,

PA APP/17/00633 ERECTION OF 25 RETIREMENT LIVING APARTMENTS WITH COMMUNAL FACILITIES AND CAR PARKING. THE ORCHARD HOUSE, WESTERN AVENUE, EMSWORTH,

I refer to the above mentioned application.

I note that you have received a number of letters/comments from various consultees as well as from the occupiers of a number of neighbouring properties. The "neighbour" comments, raise a number of similar points, and hence it is felt that the response to some of the key comments made by the occupiers of 1C Beach Road and "Claremont", Western Avenue are applicable to all.

Comments Received from Mrs Sally: Building Control. Four points are raised.

1. *That the bin store is not shown.* **Response:** The bin store is shown on the ground floor plan **SO 2379 03 AC 0101 REV PO8.**

2. *Fire Authority information should be confirmed including turning facility on site and access to perimeter of building.* **Response:** Access to perimeter is compliant (the turning

facility for DB32 Fire Appliance has been tracked and confirmed, please refer to drawing 034.0099.001 in Appendix F of the Transport Statement.

3. *Staircase adjacent unit 25 does not include a window for smoke venting so elevation will change.* **Response:** A minor point in elevational terms. The vent was inadvertently omitted so I attach updated plans: **SO 2379 03 AC 0402 Rev PO3 Coloured Elevations and SO 2379 03 AC 0402 Rev PO9 Second Floor Plan.**

4. *Additional information will be required regarding internal layout and fire protection, disabled access, ventilation provisions, flues and paths around the building to keep widths clear of windows and other obstructions. Other issues may also arise.* **Response:** This is not a matter covered by planning legislation and is not relevant in relation to the planning application. However, Re-Format has, with other relevant members of the design team and the commissioning body, produced a detailed fire strategy (which can be provided albeit that it is not relevant in terms of the planning decision process) for the proposed retirement apartment building. This strategy has been reviewed by the Building Control Surveyor (NHBC) and complies with all relevant guidelines and regulations. Upon receipt of a detailed planning approval a full Building Regulations application will be made addressing amongst other issues;

- Part B; Fire Safety
- Part F; Ventilation
- Part J; Combustion appliances and fuel storage systems (as relevant)
- Part M; Access to and use of buildings (disabled access)

Comments Received from the Arboricultural Officer. *A general objection is raised regarding tree loss.* **Response.** I set out below the comments/response from Mr Keen "I concur with the tree officer that many of the trees to be removed are of low quality and value hence should not pose a constraint on development.

Of those mentioned specifically by the tree officer I can see why, at first sight, these might be seen as a potential constraint but I can advise:

Tree 7 - this oak has been identified as being in a state of decline with very noticeable crown retraction and fruit bodies of a decay fungus Ganoderma. It is considered unsuitable for long-term retention and as a result its loss makes way for parking. Space is available to plant replacement trees in its vicinity to ensure the amenity of the row of trees is retained in future years.

Tree 12 - is a visually significant horse chestnut but sadly, as with many of this species, it is infected with bacterial canker. It has a tight union between its two main stems and this may explain why it was pollarded in the distant past. Sadly these two major defects combine to render the tree's long-term retention unviable. For that reason it was considered prudent to allow the loss of the tree to permit development, subject to replacement planting elsewhere in the scheme.

Tree 17 - is a well formed tree but only of immediate interest to the property. It is well formed, as I understand it, due to past pruning by the current owners to maintain its shape. As such it is of some aesthetic value within the garden but that maintenance regime does not permit it to contribute much to wider, public amenity.

Tree 25 - is a well formed weeping willow that has, as with tree 17, been crown reduced on several occasions in the past to contain its dimensions. Repeat pruning would be necessary if retained. This treatment, combined with its limited contribution to wider public amenity, either now or in future years, rendered it, in our view, as a tree that could be sacrificed to make way for development.

There is indeed a loss, and cutting back, of some hedging within the site but that scale of loss is typical of development of former housing land and is seldom, if ever, a reason to constrain development. Other hedging within the site is being retained. Hedges on boundaries are retained and reinforced with further planting.

The relationship between ginkgo (number 29) and birch (number 28) is indeed unsustainable in the long-term but, as part of this development, there is no need to consider the loss of either tree at this point. In the short to mid-term both trees can be kept. The proposed development has been designed to retain both trees and is mindful that the nearest tree to the proposed building, the ginkgo, will be the long-term component. The birch, tending to be shorter living, will, at some point in years ahead, be removed - but that is for the future and beyond the consideration of the application. The ginkgo is close to the current building and care will need to be taken during demolition. Such situations are not unusual and detail for its protection, including supervision by an arboriculturist if deemed necessary, can be devised.

Proposed planting can be considered and reinforced to achieve an adequate scheme of mitigation for tree loss, especially when one bears in mind that many of these trees are defective and their loss will be inevitable even in the absence of any development proposals. By allowing the development it secures replacement planting.

It is reassuring to see that none of the other aspects of the development, so far as they relate to trees, are of concern to the tree officer. It is therefore our view that, as many of the trees to be removed are defective, that other trees to be removed are of low public amenity, and that adequate replacement planting can be secured, that the impact on trees is of low weight in the planning balance.

Turning to the observation made by the tree officer that a maple was removed by the current owners prior to the application it must also be noted that such removal was legitimate. The owners were free to remove and manage trees in their garden. Its loss has no material bearing on this application.

An area type of tree preservation order was placed upon trees in the garden as a reaction to the loss of the maple but we consider it was not made as a form of development control, merely as a means of protecting trees until such time as a proper form of tree preservation order could be made in accordance with Government guidance. Of course, a tree preservation order does not preclude the loss of trees as part of a balanced planning exercise that will take account of impact on trees but also the many other gains that result from the development”.

Hampshire C.C. Lead Flood Authority: A number of points are raised.

1. *Pre and post development combined greenfield and brownfield run-off calculations.*

Response. Please see the attached PBA calculations attached;

- **Emsworth - HR Wallingford Green Field Runoff Estimation and**
- **Emsworth - HR Wallingford Surface Water Storage.**

2. *Pre and post development run-off volume calculations.* **Response.** Please see the attached SSP calculations;

- **Emsworth SPP Pre-Development Volume Runoff and**
- **Emsworth SSP Post-Development Volume Runoff.**

Please note SSP can run different calculations (for example different storm duration or different return period) if desired.

3. *Information on the correct number of treatment stage in the system is required.*

Response. No petrol interceptors are required as there are less than 50 parking spaces. The gulleys and Aco will have traps. The attenuation tank acts as a catch pit. Added to this is the ongoing maintenance of the drainage system.

4. *Information on who is going to be undertaking the general maintenance regimes and evidence that those maintaining the drainage system are in discussion with the developer.*

Response. McCarthy & Stone will be the developer and the building owner. The drainage system will be maintained by McCarthy & Stone Management Services.

5. *Exceedance flows need to be considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow and evidence that neighbouring properties will not be put at a greater risk of flooding post development is required.* **Response.** In terms of Flood routing please see contour map **SO-2379-03-LA-MCS587 Drg05 Proposed levels and 64007 REV F Drainage Layout (T Building)** showing Surface Water Flows, attached.

6. *The drainage strategy looks to change the pattern of discharge from the site by discharging to a surface water sewer. It has not been demonstrated that this will not lead to an increase in flooding downstream.* **Response.** Southern Water developer enquiry received, approving a discharge rate of 3.9l/s.

Evidence also needs to be provided to show that initial discussion have taken place with Southern Water and third party landowners with regards to adoption of the proposed surface water rising main. **Response.** Southern Water will not adopt a rising main up Western Avenue. McCarthy & Stone will lay and maintain and repair (in perpetuity) the rising main up Western Avenue. McCarthy & Stone confirm that, upon purchase of the site, McCarthy & Stone will have the legal right to do this. The gravity section, from S18 to MH9951, could be adopted. Upon receipt of planning approval McCarthy & Stone will apply for a S104.

Please note that **64007 Rev C Drainage layout (T Building)** submitted with the planning application is now superseded by **64007 Rev F Drainage layout (T Building)** which has been updated to reflect the proposed levels and pick up an additional gulley to the “trapped” low point near the north end of the building.

Comments Received from Ms S J Walker 1C Beach Road: *Various issues are raised in the main letter and in the addendum to it.*

Response. I do not intend to respond to every point made but will simply to respond/comment on some of the main points (I will do the same in respect of Mr Simmond’s letter).

Boundary – Fence & hedging (page 5) Letter states hedge along eastern boundary will be ‘thinned to 50cm’.

Response: The correct specification for works, as per landscape drawing is “Existing hedge maintained and retained as boundary feature. Some hard pruning required early in the development phase to regularise and tidy the hedge”.

Effect on living conditions (page 6). Noise & light. Letter raises concern regarding that the 8no. parking spaces in the north eastern area of our development will cause noise and light ‘pollution’.

Response: The level of usage allied to the screening and distances to the neighbouring properties is such that there will be a negligible impact on residential amenities.

Impact on trees and wildlife (page 6) The felling of the red sycamore. **Response:** The tree was not subject of a TPO. The tree was in any event inspected by a suitably qualified ecologist prior to works being carried out and that no nesting birds or roosting bats were found.

Access (page 7) inadequate parking provision (duplicate of Mr Simmonds' comment) – **Response:** The transport characteristics of retirement developments are acknowledged nationally and these issues are dealt with in the Transport Statement.

Parking Noise and disturbance. Letter states “the addition of 70+ residents and visitors.” **Response:** In straightforward terms this is a gross over estimation of the occupancy rates of retirement occupation. An average of approximately 1.3/1.5 persons per unit would be more appropriate. This and the age occupancy restriction influences the transport characteristics of such accommodation.

Flood Risk (page 7) (duplicate of Mr Simmonds' comment): **Response:** The comments raised by Hampshire C.C. are noted and a response is set out above.

Supply of Housing Land (duplicate of Mr Simmonds' comment) response as below. **Response:** The decision maker will have to give due weight to the housing land supply position as required in the NPPF.

The ‘addendum’ to SJW’s letter, raises 3 further points:-

1. *The Design and Access Statement Part 1 also shows an incorrect boundary - pages 10, 14, 15, 16 with respect to the property at 1C beach Road. Throughout this application there have been many incorrect used of old land registry documents. 1c Beach Road adjoins Orchard House in the same manner as 1 and 3 Beach Road.*

Response: That is what Ordnance Survey show as a boundaries. We cannot change it. This is something Miss Walker would have to take up with land registry/ordnance survey. The submitted “red line” plan shows the extent of the land owners ownership and rights of access.

2. *Loss of Ambience. We will also be affected in low sunset time with loss of light. Frequently in the evening the low sun is able to pass through the land at Orchard house, and the light is reflected from windows on the east side of Beach road. This light is beautifully reflected into our homes and garden as a result.* **Response:** The sun study (attached) shows nominal shading in the rear of the garden in mid-winter only.

3. *Ambiguity of plans for the top storey open access. Having spoken to the planning officer today I am still not satisfied that it is fully understood by the plans what provision on the 3rd story will be open access to residents on balcony areas. It is out of keeping of the entire area to have public or residents access at such a height and affects the privacy of all gardens at Beach Road as a result. This would lead to a total loss of privacy in the rear of Beach Rd gardens which are currently NOT overlooked. I have concerns about the Harm this loss of privacy will cause our family who use this area during the summer months with small children and sunbathing over the last 17 years that we have owned our property.* **Response:** There is no ambiguity, Drawing **SO-2379-03-AC-0103 Second Floor Plan** (now updated) shows a decked balcony serving apartments 25 and 26. The balcony extends 3.4 metres from the face of the building and is 14 metres wide. The Design & Access Statement page 16 shows the rear face of the second floor of the development is 70 metres from the rear face

of 1C Beach Road, therefore the face of the balcony is 66.6 metres from the rear face of 1C Beach Road. All other second floor roof areas are accessible for maintenance only.

Mr Simmons, "Claremont", Western Avenue raises some issues.

Access and Ownership (page 2) Letter refers to Western Avenue as private road / private land and that Orchard House do not own this section of the road and have no rights over it.

Response: The correct status is that the land known as Orchard House benefits from rights over Western Avenue as set in TITLE NUMBER: HP464090, which include right of access, right to lay and maintain services (subject to making good of all damage to the surface of Western Avenue).

Increase in traffic down Western Avenue (page 2). **Response:** the Trip generation is covered in section 4 of the Transport Statement.

Western Avenue entrance onto Havant Road (page 3). **Response:** Covered in section 3 of the Transport Statement. **"Given the straight alignment of Havant Road and wide (approximately 2.5m) footways in this location, visibility at the existing junction is very good. In addition, as detailed previously, PIA data indicating that no accidents have occurred at or near the site access over a 15 year period."**

To provide some additional context, I also attach and refer to THE Junction Technical Note prepared by Paul Basham Associates. The TRICS data predicts that a 25 unit retirement development would generate an additional 5 peak AM trips and 3 peak PM peak trips (with a total of 73 trips daily). Modelling results demonstrate that with the addition of development traffic, the junction will operate in the same way as the existing situation (the RFC figure will remain at 0.02 for peak AM and 0.03 for peak PM – well below the figure of 0.85 which would indicate that the junction is nearing capacity).

Given the results of the ATC survey (which demonstrate that the average speed of vehicles travelling along Havant Road is 33.7mph eastbound and 35.2mph westbound) the corresponding visibility requirements (of 2.4m x 50.7m west and 2.4m x 54m east) can be achieved fully within the highways boundary (without the need for encroachment onto third-party land).

Single track Driveway (page 5). **Response:** Western Avenue is unregistered land over which the land owners have rights of access but no right to park. The width of the unregistered land is c.7.0m. The carriageway width is shown in Appendix E of the Transport Statement. There are no 'private verges'. Transport Statement paras 3.5 and 3.6 deal with the part of the road where it is not possible for two vehicles to pass.

Parking (page 6). **Response:** This is covered in section 3 of the transport statement, paras 3.8 – 3.12.

Effect on living conditions (page 9) Letter states the proposed development has a service road. **Response:** I am not clear as to what is meant by a service road. The proposed development has onsite parking and access to it. It is no more a service road than Western Avenue s a service road!

Impact on Existing Solar panels (page 9). **Response:** The sun path analysis shows that the shading of the solar panels on the west-facing part of the roof of Claremont is caused by the existing trees on the west side of the road and not by the proposed development.

Impact on trees and wildlife (page 10). **Response.** The planning system seeks to achieve objective and balanced outcomes.

Wellingtonia / giant sequoia (page 11). **Response:** I can advise that Mr J Keen has reviewed the points raised and has responded as follows: "Thank you for sending over the report.

Based on the dimension in the schedule of trees then the root protection area they prescribe, 15m is correct. I note from the third bullet of 1.4 that their dimensions are estimated even though they had access to the site. Ours, for this tree, are estimated as we did not have access to the tree.

If we take the 15m radius and apply it here then we soon see that it reaches up to the current dwelling at Orchard House - a limiting factor for root spread due to foundations. We will also see that other buildings around the tree come in to play and the outline of the root protection area will become irregular due to all those influencing factors.

In this case the proposed building line is broadly the same as the current building line where close to the root protection area of this tree. As roots are highly unlikely to be under the current building it follows that the proposed building will not result in material root loss from the tree.

As a result I am satisfied that the proposed building can be achieved without material harm to the Wellingtonia."

Bat protected species (page 12). **Response:** I would refer to Refer to section 3 of the ecology report. No bats were recorded emerging or re-entering the buildings so there are no restraints or mitigation needed. Foraging activity was noted and therefore any external lighting scheme will be designed in accordance with the guidance to mitigate disturbance to bats that are foraging along the northern boundary and in the mature trees to the west of the site.

- site boundaries will be kept dark (shall not be illuminated by more than 3 lumens) to allow the bats to continue foraging, particularly along the western boundary where most of the activity was recorded.
- external lights will be hooded to direct the light downward and away from the boundaries and/or garden area.
- lighting bollards can be used to illuminate pathways (means of escape routes)

In addition to the above, a suitably qualified ecologist will check any trees with potential for roosting bats prior to tree works being carried out.

Flood risk (page 13). **Response:** We note the comments and have set out above a response to the comments of the Flood & Water Management Team. *Further information for consideration (page 14) Limited right of way & breach of covenant.* **Response:** These are not relevant to the planning application.

Community Consultation: **Response:** If I am correct in my understanding, Mr Simmonds and all of the other objectors would remove their objections if the proposal was reduced to two storeys. It is therefore pleasing to note that the area of disagreement between the parties is not as great as indicated in the body of the letter.

Supply of Housing Land. **Response:** The decision of the Supreme Court does not materially alter the position set out in the NPPF. The decision maker will have to give due weight and consideration to the housing land supply position (as required in the NPPF) in its decision.

Conclusion

I hope that the above comments and the attached documentation deals with the various points/comments raised.

Yours sincerely

Gian Bendinelli
Principal Planning Associate
The Planning Bureau Ltd