
Site Address: Land to rear of 15 Langstone Road, Havant, PO9 1RA
Proposal: Erection of 4 no. 2 bed Flats and 1 No. 1 bed flat with associated pavilion building housing bins and cycles together with parking and amenity space.
Application No: APP/16/00668 Expiry Date: 04/01/2017
Applicant: Mr Phillips
Phillips Build Ltd
Agent: Mr Miller Case Officer: David Eaves
Ward: St Faiths

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The site forms part of the garden of the existing property 15 Langstone Road a two storey house with gable fronting Langstone Road. The existing property and the site are currently well screened from Langstone Road by trees and hedging. The existing house has a number of windows facing south and east across the application site.
- 1.2 The site is a mature garden and the boundaries are generally marked by trees and hedges. The site itself is mainly laid to lawn. This part of Langstone is characterised by large detached dwellings of various designs set in ample mature plots.

2 Planning History

APP/14/00673 - Two storey detached dwelling to south of existing property, with detached double carport to front and new access off Langstone Road.,
PERM,19/12/2014

3 Proposal

Erection of 4 no. 2 bed Flats and 1 No. 1 bed flat with associated pavilion building housing bins and cycles together with parking and amenity space.

The proposed building would be two storey with pitched roofs and is proposed to be located to the rear of the site. There would be a new access to the development with parking provided to the rear of the existing dwelling. A pavilion building providing cycle and bin storage would also be provided.

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)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
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

The supporting arboricultural evidence is comprehensive and outlined in the following points:

Minimal tree removal is required to facilitate development as well as a requirement for some tree pruning works to facilitate works.

The trees proposed for removal are all of low value and grading and most could have been removed for sound arboricultural reasons regardless of any redevelopment proposals.

A Landscape Master Plan must be submitted to ensure that high levels of shrub and tree planting as well as other landscape features can be added to enhance this site and this should more than adequately mitigate the loss of any current trees from this site.

Provided that the methodology prescribed in the AMS & TPP report is strictly adhered to and a pre commencement meeting is undertaken I would expect the retained trees to survive the development unscathed and to continue to grow on in the future.

Therefore I have no objections to this scheme in arboricultural terms.

Building Control

No comments received

Crime Prevention -Minor Apps

No comments received

HCC Highways

I confirm that the Highways Authority's comments on this application should be made by the District Council's own engineers, due to the size of the application being below

that of the Agency threshold and agreement.

Development Engineer - Highways

The Highway Authority have no objection to the application subject to the following conditions being placed on any future permission:

Prior to occupation the areas shown on the approved plan for the parking and turning of vehicles shall be provided and reserved for these purposes at all times.

and an informative stating that:

Before undertaking any work which affects a public highway (including a public right of way) you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk

Landscape Team HBC

Further to review of additional submitted information, my previous landscape comments regarding existing trees, layout arrangement and bin/cycle storage are deemed sufficiently addressed.

Landscape conditions are recommended, which will require submission of:

- Fully annotated planting plan to identify individually planted trees, shrubs, hedges, bulbs and any areas of grass. Ornamental 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 planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. The planting plan must appropriately address the Preliminary Ecology Appraisal (Part 7.0 Ecological Enhancements) and include sufficient provision for future enhancement / management of the existing site perimeter vegetation.
- Fully annotated hard landscape plan with details to identify hard surfacing material type, build-up, edging, laying bond and colour to be identified in coordination with existing / proposed levels. Proposals shall be appropriately co-ordinated with the Arboricultural Method Statement.
- Fully annotated boundary treatment plan 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. Proposals shall be appropriately co-ordinated with the Arboricultural Method Statement.

Public Spaces

No comments received.

Traffic Management, HBC

Based on the information received regarding proposed parking, there are no traffic management issues with this development.

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: 7

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 22 with 24 names (including Langstone Residents Association and Langstone Village Association)

Highway Matters

Highway Safety Concerns with 'U' turns in Langbrook Close

Concern regarding accuracy of Traffic Assessment

Obstruction to the footpath in front of development from vehicles looking to exit/enter site

Traffic non-stop at peak times- addition of 10 vehicles trying to exit/enter from proposed development

Pedestrians may be tempted to walk in road to get by - Accident risk

Safety of Road users resulting from ingress and egress of many more cars, deliveries and visitors to site

Conflict with exit Langbrook Close opposite , at the point where southbound traffic flow is merging to single file

Congestion increased on already congested road that experiences gridlock on daily basis

Visitor Parking unclear concerns regarding overflow parking to Southbrook Road (busy road with parking restrictions)

Traffic capacity concerns

Problems of vehicular access will leave a legacy for all time

Concern over bin collection and potential highway impacts

Whilst 10 car spaces is already far in excess of the capacity of the site, such number of spaces does not adequately cope with anticipated additional movements due to deliveries in age of internet shopping

Appears to be no space for visitor parking

Nothing in any of the revised plans that mitigates an impending tragedy

Strongly object based on road safety and trust Council will properly address this issue and refuse based on road safety

Langbrook Close and Langstone Road already very busy and regularly used as a 'U' turn in the morning for traffic entering Langstone Park.

Traffic turning left out of Langbrook Close is difficult to see and judge speed of oncoming traffic from south because of the obstruction of a large tree. Particularly important when turning right to go south.

New access road from proposed development will make it extremely dangerous because of additional direction from which traffic will join this junction.

Impact on cycles

Traffic backing up into Havant, A27 and surrounding area/junctions - would be made worse

Emergency Services frequently experience problems getting to and round Langstone Roundabout - would be exacerbated

Access unsuitable for level of use

Traffic accident fatality within 100 yards from proposed site - similar access

No provision for disability parking or access to building

No safety audit

Does not meet parking standards

Langstone Road 40mph limit raises serious concerns

Traffic survey concerns

Vehicles exiting properties on east site of Langstone Road interfere with sight lines of traffic exiting Southbrook Road to turn north; this proposal would add to the problem.

Allocation of further housing on Hayling Island will add to traffic problem

Overflow parking Langbrook Close - obstructions and nuisance for Langbrook Close residents

Likely residents will park in Langbrook Close because of difficulty of vehicle movements in/out of the proposed development

Langstone Road - Safety issues are already at extremely dangerous levels

Increasing traffic

'U' Turns into Langbrook Close - dangerous - no thought of people/bus

stop/residents/school bus pick up/people crossing road/access to other side of road/the nursery on the other side of the road.

People leaving home to go to work /pleasure having no sight of oncoming traffic from HI.

Residents driving home along Langstone Road who require access to their home are constantly harassed in dangerous manner.

Residents in Langstone are at risk.

HBC negligent in providing safe service re the development of hotel/pub restaurant/tech park

DofT report 2013 expressed real concerns over high number of accident near misses on this stretch of road

Lack of easily used turning facility

Traffic volume and pollution concerns

Conflict with sight lines and other existing accesses

Conflict with Langbrook Close turning

Impact on bus stop

Conflict with Tec Park and Woodbury Avenue access

Character of Area

Out of character - two storey development in backland location

Over bulk of development out of character with surrounding properties in area.

Building of small community in a back garden development, an exploitation of a garden plot

Gross overdevelopment of a small site - Density

Backland development and fails to make any contribution to the visual quality of Langstone.

Building will add nothing to streetscene of Langstone Road

Overdevelopment of the site results in too many car spaces and associated vehicular movements

Road populated predominantly by large detached dwellings. This development is out

of character and appearance of the road.

Do not accept development will enhance the character of the surrounding area by appearing to be one large dwelling as opposed to a block of flats - not reflective as a building or the comings and goings of multi occupant building to be similar to a large dwelling.

Unacceptable density

site better suited to a more substantial single quality dwelling (as previously approved)

Bin storage on frontage

Concern over height of building - should be single storey

Backland development of this sort totally out of keeping with nature of the area

Dwarf the bungalow next door

Loss of trees to form access

Appeal for 17A Langstone road did not set a precedent for two storey development in such a built up area

Scale out of character to area

Impact on neighbours

First floor living rooms would look directly over residents properties to east rear gardens compromising their privacy.

If granted restriction in construction day/hours requested.

Living room accommodation on first floor looks directly into rear bedrooms of properties in Southbrook Close.

Many trees and foliage on rear boundary of site are low level and/or deciduous and will not provide year round screening.

Proposed building situated far too close to adjacent properties to avoid causing loss of privacy.

Noise issues- would be to detriment of residents wellbeing in adjacent properties as a result of siting of extra bins and car park (compared to single dwelling previously approved).

Blocking of Sun at certain times of the year to Southbrook Close properties/loss of light

Smell from 10 rubbish bins.

Loss of privacy and amenities

Loss of tranquillity

Impact on security of rear boundaries Southbrook Close

Siting too close to rear garden fence with Southbrook Close - room on site to be built further away

Publicity of application questioned - **Officer Comment** - *Publicity on the planning application was carried out in accordance with the Councils procedures including neighbour letters and site notices.*

Loss of amenity to living area and courtyard 17A Langstone Road - making this a dismal space

Access drive would result in loss of privacy/amenity to existing dwelling.

By being placed between backs of existing properties the development would be seen as a block in an otherwise open area between dwellings.

Increase in number of persons using the area to detriment of neighbouring properties.

Overbearing to 17A Langstone Road

Ecology

Scale of development may be undesirable in terms of ecology and biodiversity. Has site been surveyed as wildlife use the site and this may upset biodiversity and habitats of wildlife.

Application will heavily impact the current roosting, foraging and commuting habitat of the local bats and other wildlife - European Protection Species Act and legal

obligation.

Fails to meet strategy for England's wildlife and ecosystem detailed in Defra's "Biodiversity 2020"

Evidence of bats - impact on bats

Foxes breeding for more than 4 years

Other Matters

Precedent

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 on the Character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highway matters
- (v) Ecological impacts
- (vi) Developer contributions

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable, and the addition of five new dwellings in such a location would make a modest contribution to the Council's overall housing requirements. The acceptability of the site in detail also needs to be considered, however, in the context of the usual development management criteria to establish whether the proposal would represent a sustainable form of development.

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

The area is characterised by very low density development of mainly two storey height and with ample gardens. The density of the existing development in the area to the south of Woodbury Avenue, east of Langstone Road north of Southbrook Road and west of the footpath between Southbrook Close and houses fronting Southbrook /road is approximately 12 dwellings/ha. The density of the development currently proposed is approximately 25/ha (excluding the retained dwelling and its retained curtilage). Whilst this remains relatively low density by new house development standards, in this case the development is being introduced into the back garden of the existing property and represents an entirely unexpected contrast to the character and density of the existing built form.

Development in the locality has direct road frontages with the exception of the single storey dwelling immediately to the south of the site. The current proposal is for the erection of a block of flats to the rear of 15 Langstone Road served from an access drive to Langstone Road. This form of piecemeal backland development introducing a block of five two storey flats is considered entirely alien to the current pattern of development in this part of Langstone. Backland development of the form proposed would fail to address the Langstone Road frontage and would fail to accord with the character of the street scene. In contrast the creation of the significant access into the site would itself open up an established mature residential frontage leaving a driveway gap further detracting from the established pattern of development.

It is noted that the proposal would result in the creation of a substantial access drive, turning areas, car parking, bin and bike storage building and hard landscaping to serve the 5 flats being created. This would result in the area to the front of the flats being car dominated and the areas remaining for green landscaping being compromised. This scale of development is considered to result in an over development of the site contrasting with the character and appearance of the existing residential area.

Overall therefore it is considered that the development would conflict with the established pattern of residential development and would be harmful to the character and visual amenities of this part of Langstone which forms an attractive part of Havant Borough.

(iii) Impact upon residential amenity

It is considered that the main impacts on residential amenity are to the existing property 15 Langstone Road, to the property to the South 17A Langstone Road, to properties in Southbrook Close and in particular No's 5-13 (odd numbers) and No.13 Langstone Road. It is also necessary to consider the impacts on the proposed residents of the flats. These impacts will be considered below.

15 Langstone Road

The proposed development would result in the creation of a new access to serve the development to the south of the existing property. It is noted that No.15 has main windows at ground and first floor level facing this area. Whilst there is some physical separation the use of the access by five flats would impact on the residential amenities of the occupants. This is also the case with the rear parking area. The proposals indicate landscaped hedging to reduce these impacts and retain garden aspect from the south facing rooms. The rear building is sited so as to avoid a direct overlooking between windows although there would be overlooking to the southern garden area retained by No.15. Whilst it is undoubtedly the case that the living amenities of No.15 would be impacted significantly by the new development and the associated activity including vehicular movements and noise, it is considered on balance that these impacts would not be sufficient on their own to warrant a refusal of planning permission.

17A Langstone Road

17A is a single storey property sited immediately to the south of the application site. The agent has provided a section drawing showing the gap between the two storey element of the new building and the facing window in No.17A being 12.6m. The single storey dwelling and its external courtyard would directly face the two storey element. It is noted that there would be no first floor windows proposed to face No.17A (Ghost window features only). The Havant Borough Design Guide 2011 requires separation distances of 10m between a blank gable and a facing window. It is recognised that there is some existing screening to the common boundary and that the eaves level of the proposed building is at window head height with roof sloping away. Nevertheless there will be a degree of overbearing from the mass and bulk of the two storey building when viewed from No.17A. As the proposed building would be to the north of No.17A impacts on light would be limited and acceptable. The activity at the site would be increased over the existing position, however, it is noted that there is a good boundary fence and additional green screening which reduces these impacts.

Overall in terms of the impact on 17A it is not considered on balance that the impact of the development would be sufficient to warrant a refusal of planning permission.

Properties in Southbrook Close

These properties are located to the east of the site and are two storey properties backing onto the proposed development. These properties are set approximately 21m from the common boundary and the new building would be set approximately 11m further to the west of the boundary. Whilst it is noted that the proposals would include first floor windows facing east towards these properties including living rooms and bedrooms, the separation distance between the proposed and existing dwellings would exceed the minimum 20m separation distance in the Councils Design Guide by a considerable margin. Given the position of the proposed building to the west of the existing properties there would be some impact on light particularly to the rear gardens of the existing properties, however, this would be limited and acceptable.

13 Langstone Road

The proposed dwelling is set well away from the main dwelling at No.13. The siting of the new building off the common boundary would limit any overlooking from first floor level to an acceptable level.

Proposed dwellings

The proposed flats would provide limited but acceptable external amenity space to the rear of the dwellings. This is likely to be shared space although there would be small terraces to ground floor flats. Parking, turning and refuse areas would have been secured via condition had planning permission been recommended.

Overall in relation to impacts on neighbours, whilst there would undoubtedly be impacts from the development it is not considered that these are likely to be sufficient to warrant a reason for refusal of planning permission.

(iv) Highway matters .

It is recognised that there are considerable third party concerns in relation to highway safety and access together with concerns in relation to car parking. These have been assessed with the agent, their highway engineer and the Councils Highways Engineer. This has resulted in detailed assessment and the provision of a Transport Assessment and Highway Safety Audit.

Langstone Road is very busy and there are recognised issues in relation to entering and leaving the highway and particularly in turning into traffic. There are also local issues in relation to the proximity of Langbrook Close (including 'U' turn manoeuvres), the narrowing of the highway from two to one lane, bus stops and road markings in close proximity to the site.

The highway safety issues have been assessed in detail, however, the Development Engineer has concluded that he has no objection subject to suitable highway conditions to secure on site turning and parking and an appropriate agreement with the County Council as the Highways Authority under the Highways Act for the construction of the access. This being the case it is not considered that a highway safety reason for refusal could be substantiated in this case.

In relation to car parking, concern has been raised that insufficient parking on site could lead to parking in congested and restricted surrounding residential roads. The Councils adopted parking standards require a minimum of 8 spaces for unallocated parking (this includes visitor parking). The proposals include 10 unallocated spaces and therefore exceed the Councils parking standards. Turning is provided on site to ensure that vehicles could leave in a forward gear.

(v) Ecological impacts

Concern has been raised in relation to impacts on protected and other wildlife. As a result a Preliminary Ecological Appraisal Report has been produced. This assessment noted potential for bat roosts within two trees on the northern boundary, likely bat foraging routes and a bird nest in the summerhouse. In addition an assessment for reptiles and great crested newts were carried out (limited potential found). Ecological enhancements are recommended in the report and the potential to strengthen planting to the site boundaries and ensure that lighting is appropriately positioned together with other enhancements were recommended. Had planning permission been recommended, a planning condition to secure these measures would have been appropriate. It is not considered that the development would result in unacceptable impacts in relation to on site wildlife subject to an appropriate condition.

The development is located close to the Chichester and Langstone Harbour SPA/Ramsar site and SSSI. In order to meet the requirements of the Habitat Regulations in relation to increased recreational pressures on these features a financial contribution would be required (see (vi) below) as this has not been secured at this stage these unmitigated impacts would result in a reason for refusal.

(vi) Developer contributions

In relation to Developer Contributions the development would be liable to CIL had permission been recommended, this would need to be calculated on the basis of the new floorspace of the flats and pavilion at a rate of £80/sqm + indexing.

This development would also 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. Policy DM24 of the Allocations Plan which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures. This is set at £181 per dwelling to the Solent Recreation Mitigation Project. For the proposed dwellings, plus admin and monitoring fee, a payment of £970 is due. This payment has not been pursued at this stage given the other concerns in relation to the application. The proposal therefore fails to accord with Policies CS11, CS21 (Developer Contributions) and DM24 .

Since the application is recommended for refusal the absence of the SRMP financial contributions shall form a further reason for refusal, and in the event of an appeal, both this contribution and the CIL payment requirements can be subsequently made to address these issues.

8 Conclusion

In conclusion, whilst the principle of residential development is acceptable (and indeed

a single unit has previously been approved), the proposed backland development for 5 flats is considered to be unacceptable as it would be alien to the established pattern of development and result in an unexpected and over intensive use of the site to the harm of the character and appearance of the area.

Whilst there are concerns over the impact on neighbouring residents these are not in themselves sufficient to warrant a refusal of planning permission. Highway concerns are also recognised, however, following further assessment by the applicants agents and the Councils Development Engineer (Highways) a highway objection cannot be substantiated.

On site ecological impacts have been assessed and could have been suitably addressed by the imposition of a planning condition had the proposal been recommended for permission. The impacts on the SPA have not at this stage been suitably addressed and therefore this forms a second reason for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/16/00668 for the following reasons:

- 1 The proposed development would by reason of its scale, backland siting, height, mass, bulk and associated access drive, turning and parking areas result in an alien and unexpected form of development in this location. As a consequence the proposal would represent an over intensive and inappropriate development contrary to the established pattern and character of residential development in this part of Langstone. The proposal therefore fails to comply with the policies CS9 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and Havant Borough Council Borough Design Guide SPD 2011.
- 2 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.