

Recommendation: **REFUSE PERMISSION**

Within the curtilage of The Manor are a number of trees including a large TPO'd Yew

Tree adjacent to the site for the proposed dwelling.

2 Planning History

APP/15/00388 - Change of Use from Class C2 (Residential institution) to Class C3 (single dwelling)., PERM, 19/06/2015

APP/17/00224 - Listed Building Consent for the construction of 1 No. four bedroom detached dwelling and detached triple garage and access from Edward Gardens, with associated soft and hard landscaping., DEL, - This application is likely to be withdrawn as Listed Building Consent is not considered to be required for the proposed development.

3 Proposal

Construction of 1 No. four bedroom detached dwelling and detached triple garage and access from Edward Gardens, with associated soft and hard landscaping.

The proposed two storey house would be accessed from Edward Gardens directly to the north of the plot.

4 Policy Considerations

National Planning Policy Framework

National Planning Guidance Conserving and Enhancing the Historic Environment 2014

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Old Bedhampton Conservation Area Character Appraisal 1994

Havant Borough Townscape, Landscape and Seascape Character Assessment (HBTLSA)

Havant Borough Local Plan (Core Strategy) March 2011

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)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Grade 2

Conservation Area: Old Bedhampton

5 Statutory and Non Statutory Consultations

Arboriculturalist

Although the supporting arboricultural evidence is comprehensive and highlights the need for supportable lower quality tree removal required to facilitate development (as well as a requirement for some tree pruning works). In my opinion the relationship between the large mature Yew and the proposed development is not sustainable.

I would raise objection based on future pressure to over-prune or fell the Yew tree.

Building Control, Havant Borough Council

No comments

Community Infrastructure

No comments received.

Conservation Officer, Development Control

Principal Conservation Officer – Objection (amended comments)

The Manor (House) was first added to the statutory list of buildings on 21 July 1975 – grade II. It also forms part of Old Bedhampton Conservation Area, as designated in 1994. The building's last use was for supported communal living for the active elderly. This had worked reasonably well as it has enabled little need for sub-division and the rear garden to serve the whole enterprise. However, the demand for this use has been weak and could no longer be sustained on the income produced. As such the building appears to be empty and has been put up for sale. I am not aware if the building has now been sold.

Policy

In terms of heritage the proposals fall to be assessed against the potential impact of the proposals on a) the setting of The Manor and b) the character and appearance of the conservation area. These considerations need reference to national guidance in the form of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and NPG (National Policy Guidance relating to the Historic Environment).

The Act states that:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

Of particular relevance is guidance contained in Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets published by Historic England.

At the local level policy Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy states Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site.

Policy DM20 of the Allocations Plan states that development proposals must conserve and enhance the historic assets of Havant

Assessment of significance

Both the Planning (Listed Buildings and Conservation Areas) Act and the NPPF attach significant importance to the conservation of historic assets and require decision makers to have special regard both to the desirability of preserving listed buildings and their setting and the character or appearance of conservation areas.

In assessing this application there are a three heritage assets to consider: the listed structures (The Manor and the Manor House Boundary Wall) and their setting and the Bedhampton Conservation Area.

The Grade II listed Manor has a high level of significance and may be the oldest surviving dwelling in the area with origins dating back to the sixteenth century. It enjoys an outlook over well tended gardens to the rear which are an important component of the building's setting. The Manor House originally sat in significantly larger grounds, now developed as Edward Gardens. The building has been developed in a number of phases. It has a C16 timber frame core but was substantially enlarged in the C19 with minor additions in the C20. The building with its C19 alterations and additions has a strong architectural significance and fully merits its listing. The C20 storage and garaging while functional is not of architectural or historical significance.

It is considered that whilst the listing focuses on the architectural merit of the property the boundary walls, gardens and surrounding views of the building contribute significantly to the setting. Whilst significantly smaller than the originally planned the gardens are still spacious and contribute strongly to the visual character the significance of this listed building.

The listing covers the main building, any structures directly attached to it and there is also the separate listing for the Tudor Boundary Wall as shown below:

'Boundary wall. C16. Tudor wall on the east and south boundary. Red brickwork in English bond, with some blue headers in diaper patterns, moulded plinth. The south

wall has a plain Tudor-arched doorway, the east has a similar doorway recessed within a thickened wall, within a wider arch.'

As outlined in the heritage statement 'The older sixteenth century brick wall still exists to the eastern boundary, including a Tudor arched entrance. The wall continues to provide a delightful reminder of the historical link between the Manor House and Bidbury Mead

In terms of views the frontage view from Edward Gardens is important as are views (albeit glimpse views) looking east from The Manor House and towards Bidbury Mead and West looking at the Manor House from Bidbury Mead. The property can also be appreciated looking south from Edward Gardens.

Both the site and the surroundings are within the Old Bedhampton Conservation Area. The Conservation Area Appraisal indicates that an important aspect of the character is the relationship of the old village with the surrounding countryside and open spaces. Despite post war housing development the area still enjoys a fairly open and undeveloped setting.

In terms of development early maps indicate the old village to have a dispersed settlement pattern with principally detached houses set within substantial plots. Whilst pre and post war development has enveloped some of the village you can still appreciate that the historic identity is retained.

Assessment

The setting of a heritage asset is defined in the glossary to the Framework as the surroundings in which a heritage asset is experienced. In simple terms, setting embraces all of the surroundings from which the heritage asset can be experienced, or that can be experienced from, or with, the asset. The development proposed would be clearly visible from the listed building and there would be areas within, and outside, the site where the listed building and the proposed development would be seen in juxtaposition.

The proposed new structure falls within the "Zone of Visual Influence" as defined in the settings guidance. It is therefore essential to assess to what extent this materially impacts on the setting of the heritage assets and its acceptability.

In essence I do not see scope for the development of a dwelling within the grounds, without compromising the exiting buildings setting. The development opportunities were taken when Edward Gardens and Tall Trees were created. It is important to remember that the developments in Edward Gardens pre-date the Civic Amenities Act of 1967 which gave local authorities the power to designate Conservation Areas.

I consider that the current scheme will reduce the ability of the observer to appreciate this historic building which will in turn have a harmful impact on its setting. The proposal will do irreplaceable harm to the buildings relationship with surroundings and important views of the building will be obstructed. The proposed dwelling is also size, mass, scale, location and design will be a dominant element when viewed close to and from afar. It is built very close to the historic (listed) boundary and will further subdivide

the plot to the detriment of The Manor's setting. I am concerned that the proximity of the proposals relative to the Grade 2 listed wall and proposed vegetation removal both having the potential to compromise the structural integrity of the Grade 2 listed wall.

Based on the information submitted, the application in its current form would impact negatively on the strong visual and spatial relationship between the Grade II listed dwelling and the surrounding landscape. Introducing a development, particularly one of this scale, in such a setting, and in such proximity to Grade II listed buildings is fundamentally at odds with their environment. For these reasons, the proposal in its current form will be harmful to the significance of these designated and locally prominent Grade II listed buildings through the impact on their setting.

The local planning authority has a statutory duty under s.66 of the P(LBCA) Act 1990 to ...have special regard to the desirability of preserving the .. setting .. of a listed building. S.132 of the NPPF also states

*"132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. **Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.** (my emphasis)*

Although the proposed development will not have a direct physical impact on the listed building, it will cause significant material harm to its setting and the conservation area. This in itself is grounds for refusal. In closely balanced cases it is appropriate to consider and weigh up other public benefits that might arise. I believe limited such benefits exist in this case and the presumption (as confirmed by the Courts) is heavily weighted in favour of protecting the asset and its setting.

I therefore recommend the application is refused.

County Archaeologist

The proposed development lies within the historic core of the medieval settlement of Bedhampton. It is close to both the church and the manor house and as such lies within the area most likely to have been the focus of original settlement. Although the church is 12th Century in date the settlement and the church are mentioned in Domesday book which imply that there was a Saxon settlement here prior to the medieval one. Archaeological evidence relating to the origins and development of Bedhampton might be encountered during development and I recommend that an archaeological condition is attached to any planning permission which might be issued. This should secure an archaeological watching brief in response to the principle episodes of ground work brief to ensure that archaeological remains encountered are recognised and recorded.

Highways Engineer, Development Engineer

The Highway Authority have no adverse comment to this application

Historic England

On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions.

Landscape Team, Havant Borough Council

We confirm a landscape objection to this application for the following reasons:

- Contrary to CS11 'Protecting and Enhancing the Special Environment and Heritage of Havant Borough Clause 1, the proposed application will have an adverse impact on the local landscape character, particularly the gardens and associated landscape setting of a Grade 2 Listed building. The proposed application is contrary to the Havant borough townscape and seascape character assessment landscape and built form strategy and guidelines for Historic Bedhampton, which states 'Infill development should be avoided within the historic core to retain a low density vegetated character of the landscape. Furthermore, this document also identifies an issue where 'Settings of listed buildings could be affected by further infill development. The fact that 'The construction of one modern house within the boundary of the Manor House, together with four more immediately to its north, has seriously compromised both its setting and its relationship to the Church identifies where damage to the landscape character has already occurred this important historical asset requires protection from any further impact.

- The proposals also are in conflict with CS11 'Protecting and Enhancing the Special Environment and Heritage of Havant Borough Clause 4, which states 'Planning permission will be granted for development that: Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in of adjacent to conservation areas, listed buildings, scheduled monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest. The proposals are not deemed to enhance rather they will diminish this statutory heritage designation and adversely impact the local historic landscape character. We are particularly concerned that the proposals disconnect the Grade 2 listed manor house from the Grade 2 listed Manor house wall.

- We are concerned at the proximity of the proposals relative to the Grade 2 listed wall and proposed vegetation removal both having the potential to compromise the structural integrity of the Grade 2 listed wall.

Portsmouth Water Company

On the basis of the information provided and the size of the proposed development Portsmouth Water does not object to the development. However, due to its location the developer needs to consider risks to groundwater.

We would therefore like to make the developer aware the proposed development is located within a Source Protection Zone One C (SPZ1c) of the Havant and Bedhampton Springs groundwater supply. This means that groundwater below the site will discharge at the Havant and Bedhampton springs, which are a critical public water supply for the City of Portsmouth and the surrounding area. Consequently, we ask that the developers take into account the sensitivity of the site and groundwater during the works.

Public Spaces

No comments received.

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: 2

Number of site notices: 2

Statutory advertisement: 24/03/2017

Number of representations received: 65 Objections with 69 names - including Bidbury Mead Friends, Edward Gardens Owners Association, Edward Gardens (Bedhampton) Management Ltd, The Manor Trust and Hampshire Buildings Preservation Trust Ltd

SUMMARY:

Relationship to Bidbury Mead (Park)

Relationship between The Manor and Bidbury Mead lost by development

Views from public vantage points in part to Manor adds to environmental experience of users

Interpretation boards in park encourage visitors to see park as stepping off point to enjoy heritage assets

Manor house provides immediate reference point

Setting of proposal obstructs and severs relationship between Manor house and Bidbury Mead and between house and its ancient curtilage.

Setting of and impact on The Manor/Tudor Wall

Setting of Manor house and space around it

Generous plot for significant dwelling each component worthy of the other

Manor house and its setting appreciated close at hand by annual garden party held at the Manor

Heritage asset for future generations

Detrimental to setting of Listed Building

Previous development has not detrimentally affected the principle front and rear elevations of house - proposal would do irreparable harm.

Relationship between Manor and Tudor Wall lost

Neither enhances nor preserves listed building curtilage - degrades it

Loss of open area

Jeopardise the viability of The Manor as a residence - likely to lead to eventual loss of this listed building

Concern at impact on Tudor Wall from construction

Repair works to wall - materials concern

Precautions to protect wall needed

Arched entrance needs urgent repair

Concerns about piling of foundations and impacts on wall and buttresses

Heavy plant movement concern in vicinity of wall

Risk of damage to the Manor during works

Predominant aspect of eastern side clearly depicting tudor frame of house set against Tudor boundary wall will be totally obscured by new building

No other development has taken place in the current curtilage of the Manor

Manor House one of the key heritage sites in the "Hidden Bedhampton Trail" - designed to showcase conservation area of Old Bedhampton

Design and size inappropriate in proposed setting

Too close to Tudor wall

Incongruous and severely impact setting of the Manor

Setting of the Manor in relation to Tudor Wall and Church would be lost

The Manor is the focal point for the village of Bedhampton
Contrary to NPPF setting of a heritage asset
Bedhampton Historical Collection - take visiting groups on guided tours of village
conservation area - garden offers best view of rear of the Manor and its historic core -
obstruction to view would be irresponsible unsympathetic and cavalier
Harm to setting St Thomas's Church and the Manor and lose forever a vitally
important area of historical and archaeological importance
Uncomfortable cramped relationship with Manor house and surrounding residential
properties - close proximity of buildings, excessive building bulk and backland location
DAS states monies received could be used by vendor to fund renovation of the Listed
Manor House - Unsubstantiated by any viability information or binding mechanism to
the works and cannot therefore be weighed in favour of development
Dwelling could be built east/west on vegetable plot could fit in well with Edward
Gardens and not obscure the Manor

General/Conservation Area

Planning (Listed Buildings and Conservation Areas) Act 1990 requires special
attention to preserve or enhance the character or appearance of such places.

Views of Manor from Edward Gardens
Not sympathetic to Conservation Area
Precedent for similar proposals
Previous refusals in area
Should preserve heritage for future generations who visit from local schools on field
trips.
Garden grabbing
Vibration damage to wall concerns
Missing application for demolition of existing structures required to cross manor
grounds to build any new structure.
Other development pre-dates conservation area status
Noise and late night activities from rear south facing aspect and patio
Loss of amenity
The Manor could be developed as an asset to the whole of Bedhampton area i.e. as
function/arts/study venue with accommodation - for any such plans to be viable now or
in future the existing grounds must be preserved
Contrary to policy
Visual amenity
Contrary to English Heritage Conservation Area criteria
Connections to poet John Keats - plans to make Bedhampton and the Conservation
Area an international literary destination and an important feature in Havant's tourism
portfolio.
Conservation of Bedhampton should be a proud boast for Havant
Cramping and adverse impact on local character

Impact on Neighbours

Overlooking/loss of privacy
Noise
Overshadowing
Smells
Loss of daylight
Parking and access
South facing windows would have direct line of sight into my houses east facing
windows
Overbearing and intrusive

Impact on amenities

Impact valuable green space and right to enjoy a quiet and safe residential environment

Human Rights Act, Article 8 states that a person has the substantive right to respect for their private and family life in particular Protocol 1, Article 1, states that a person has the right to peaceful enjoyment of all their possessions and this includes the home and other land.

Proposal would have dominating impact on the right to current level of amenity and quiet enjoyment of the properties

Construction impacts noise, dust, dirt

Trees

Mature trees/hedges and other vegetation affected by development

Impact on TPO'd Yew Tree

Loss of trees impact on wildlife - nesting and feeding goldcrests and goldfinches

Future pressure on Yew tree

Yew tree - damage to roots

Contrary to policy

Tree removal potential impact on Tudor wall.

Highway matters

Affects turning in Edward Gardens

Removes over spill parking space

Road already quite dangerous - more cars in area will cause problems for residents and users (turning/parking)

Lack of pavements

Danger to mobility scooters

Impact on existing residents on and off road parking

Additional traffic including construction traffic risk of accidents

Design

Design not in keeping with Manor or low key development in Edward Gardens

Windows do not match any local architectural vernacular

Garage design out of keeping with Conservation Area

Dovecote not feature of local listed properties

Out of style/scale

Does not meet local housing needs - shortage of affordable houses

Velux style windows out of keeping

Black oak timber cladding to garage - no other buildings in Edward Gardens that exhibit this style of material

New house not appropriately subservient to the Manor House or respect character of listed house and wall

Garage building particularly dominant in this location - excessive height and scale

Contrary to policy

Drainage

Plans do not detail how drainage or waste products will be removed from house

Concerned sewer system may not have enough spare capacity

Japanese Knotweed

Construction concerns and drainage routes

Other Matters

Edward Gardens private road - do not intend to grant access across our land

Understood when the Manor was recently sold that no new buildings were to be built on the site

Local ransom strip issues

Officer Comment: These issues are private legal matters and not part of the planning consideration.

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 Conservation Area and setting of the Listed Building and Wall
- (iii) Impact upon residential amenity
- (iv) Trees/hedges
- (vi) Highway matters
- (vii) Impact on wildlife/SPA
- (viii) 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 addition of one new dwellings in such a location would make a small contribution to the Council's overall housing requirements. In this case however The Manor is a Listed Building and the wall to the eastern boundary is also listed in its own right. The site is also located within the Old Bedhampton Conservation Area. It is therefore necessary to consider whether the proposals would preserve or enhance these historic assets.

(ii) Impact upon the character and appearance of the Conservation Area and setting of the Listed Building and Wall

The proposed development would be located in the curtilage of the Manor Grade II Listed Building and adjacent to the Manor House Boundary Wall also listed Grade II. The site is also located in the Conservation Area:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

At the local level policy CS11 of the Local Plan (Core Strategy) states that permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non statutory

heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy DM20 also of the Allocations plan states that proposals must conserve and enhance the historic assets of Havant. Policy CS16 of the Local Plan Core Strategy requires development to identify and respond positively to existing features of natural, historic or local character within or close to the proposed development site.

There are three historic assets to consider, The Manor and the Manor House Boundary Wall and their setting and the Conservation Area.

These have been assessed in detail by the Councils Principal Conservation Officer and his comments are included in part 6 of this report.

In relation to The Manor, the boundary walls, gardens and surrounding views contribute significantly to the buildings setting and significance of this listed building. The proposal would introduce a substantial two storey house and triple garage within the rear garden of the property between the house and the listed eastern boundary wall. As outlined in the heritage statement 'The older sixteenth century brick wall still exists to the eastern boundary, including a Tudor arched entrance. The wall continues to provide a delightful reminder of the historical link between the Manor House and Bidbury Mead. There are also views from The Manor to Bidbury Mead and back to the Manor from Bidbury Mead.

The Manor, the wall and the spaces and views between them are an important feature of the Old Bedhampton Conservation Area. The Conservation Area Appraisal indicates that an important aspect of the character is the relationship of the old village with the surrounding countryside and open spaces.

The position of the proposed development would impact significantly on the setting of the Manor and its associated wall and the views into the site and within the site. The development would be harmful to the setting of the historic assets and the wider conservation area. Existing views from the public vantage point of Bidbury Mead would be restricted and the house separated from its historic boundary wall.

Given the proximity to the wall and vegetation removal there is some concern that the development would have the potential to compromise the structural integrity of the Grade 2 listed wall.

It is noted that the NPPF states in section 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

It is considered that the heritage assets are significant in this case and that the harm would be significant. Given this conclusion the proposal would not meet the statutory tests in relation to the Listed Buildings and their settings and the Conservation Area.

(iii) Impact upon residential amenity

In relation to the impacts on residential amenities, the main impacts are considered to be to Tall Trees to the south of the site to The Spinney and Rosemead to the north and to The Manor to the west. These impacts are considered below.

Tall Trees is located to the south of the application site and is a two storey detached house. The proposed house would be set further to the east than Tall Trees. There would be south facing bedroom windows facing the garden of Tall Trees and at an angle the rear windows in that property. Given the distance between windows in excess of 23m and the angle between them any direct view between windows would be insufficient in itself to warrant a refusal of planning permission. It is noted that the Councils Design Guide requires a 20m separation between facing windows.

In relation to the rear garden, it is appreciated that the proposed development would lead to significant additional overlooking to the garden which is currently not overlooked. The proposed dwelling would have a 15.4m rear garden (which exceeds the 10m rear garden depth stipulated in the Design Guide). Whilst the concerns raised by the occupant are understood it is not considered that any overlooking or overbearing would be sufficient to warrant a refusal.

The Spinney and Rosemead are to the north of the site. These properties are two storey detached houses. The proposed dwelling would be set approximately 17.4m back from the frontage and the nearest part of The spinney would be a further 9m off. This would provide a good separation distance between the houses well in excess of the 20m Design Guide requirement. It is recognised that the proposed triple garage would be set closer to The Spinney. This is a single storey building with a pitched roof with a flank wall facing north set 10.8m from The Spinney. This meets the 10m separation distance specified in the Design Guide. It is also noted that there is a degree of screening between the properties from trees/vegetation.

The Manor is located 31m to the west of the proposed dwelling with windows facing. The proposed dwelling would have one bathroom window facing The Manor. In terms of neighbouring amenities this relationship would be acceptable.

(iv) Trees/hedges

The proposal would result in the removal of Laurel hedging and a Cornelian Cherry whilst these trees add to the green setting of the development they are not considered significant enough to warrant a refusal.

The application site also includes a TPO'd Irish Yew Tree. This is a significant and attractive feature of the site and the wider Conservation Area. The proposals have been assessed by the Councils Arboricultural Officer including a visit to the site. The development includes works within the RPZ of the tree, and the tree which is shown to be retained would be located close to the proposed siting of the dwelling. Whilst the works could subject to conditions be carried out without unacceptable impacts to the tree there is a concern that the proximity of the tree to the dwelling would result in an unsustainable relationship between the occupants and the tree. The tree would have a dominant impact on the front and side of the dwelling resulting in an overbearing and oppressive relationship also impacting on light. This is likely to lead to future resident pressure to significantly reduce or fell the tree that the Local Planning Authority would be in a difficult position to resist given the impact on the living environment of the residents of the new building. The tree is a significant feature of the Conservation

Area and its reduction or removal would harm the character and appearance of the area. The relationship between the TPO'd tree and the new dwelling is therefore considered unacceptable.

(vi) Highway matters

The proposal would be accessed from Edward Gardens a private road. The proposal would provide garage parking for three cars with graveled turning to the front. This would meet the Council's car parking standards for a four bed dwelling. Some concern has been raised in relation to the loss of on street parking due to the position of the driveway, however it is not considered that this would be unacceptable.

It is recognised that the development would lead to a relatively modest increase in traffic in Edward Gardens and Bidbury Lane and that there is a lack of pavements in the locality, however the increase in a single dwelling is unlikely to result in an unacceptable impact on highway safety. The Development Engineer (Highways) has not raised an objection to the proposal.

(vii) Impact on wildlife/SPA

The site is an established garden and there is no indication that protected species are utilising the site.

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 £210 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 (see below) requirements can be subsequently made to address these issues.

(viii) 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

8 Conclusion

In conclusion, the proposed development is considered to have an unacceptable impact on the setting of the listed Manor and Wall and its context in the Old Bedhampton Conservation Area.

Furthermore, the dwelling would have an unsustainable relationship with a TPO'd Yew tree, leading to future pressure to significantly reduce or remove the tree to the harm

of the character of the Conservation Area.

The proposal fails to address recreational impacts on the Chichester and Langstone Harbours SPA.

The application is therefore recommended for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/17/00223

(A) for the following reasons

- 1 The proposed development within the curtilage of The Manor a Grade II Listed Building and adjacent to Manor House boundary wall also listed Grade II would by reason of its siting and scale detract from the setting of the listed building and wall. Furthermore it would result in the separation of the Manor from its historic boundary wall and Bidbury Mead open space beyond and reduce views of The Manor from public vantage points impacting on its historic context and existing spacious setting. The proposal would therefore be harmful to the character and appearance of the Old Bedhampton Conservation Area. The development would fail to preserve the setting of the Manor and the boundary wall and would not preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore contrary to policies CS11 and CS16 of Havant Borough Local Plan 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014, Old Bedhampton Conservation Area Character Appraisal 1994, National Planning Policy Framework and National Planning Policy Guidance Conserving and Enhancing the Historic Environment 2014.
- 2 The proposed dwelling would be located adjacent to a large Yew Tree which is subject to a Tree Preservation Order. The tree would be dominant in relation to the dwelling impacting on the living environment of future occupants having an oppressive overbearing relationship and impacting on light. This relationship is considered to be unsustainable and is likely to result in future resident pressure to significantly reduce or remove the tree which would be difficult for the local planning authority to resist given the impact of the tree on the living environment of residents. The tree is a significant feature in the Old Bedhampton Conservation Area adding to the attractive character and amenities of the area. The proposal is therefore contrary to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.
- 3 The proposal, without completion of the appropriate binding arrangements in relation to the Solent Recreation Mitigation Project, is contrary to the Council's Policy on securing the necessary measures required and adopted by the Local Planning Authority. These measures seek to ensure that the provision is made from new development to counteract increasing recreational pressure on the Chichester & Langstone Harbours Special Protection Area. 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.