

Supplementary Planning Information

HAVANT BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
27 March 2014

Dear Councillor

I am now able to enclose, for consideration by the Development Management Committee on 27 March 2014, the following supplementary planning information that was unavailable when the agenda was printed.

Agenda No	Item
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8(3)	<u>APP/12/00064 - Land rear of 38-40 Long Copse Lane, Emsworth, PO10 7UR</u> (Pages 1 - 32)
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Proposal:	Development of existing paddock with 4No. five bedroom houses and access drive. (Revised application).
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Site Address:	Land rear of 38-40 Long Copse Lane, Emsworth, PO10 7UR		
Proposal:	Development of existing paddock with 4No. five bed houses and access drive. (Resubmission.)		
Application No:	APP/14/00064	Expiry Date:	18/03/14
Applicant:	Mr & Mrs Miller	Team:	Team 2
Agent:	Mr Unsted	Case Officer:	Daphney Haywood
	Alan Unsted MCIAT		
Ward:	Emsworth		

Reason for Committee Consideration: EHPBE referral

Density: 9 dwellings per hectare

HDS Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is to the rear of 38 - 40 Long Copse Lane in Emsworth. It is currently used as a paddock and is accessed via Redlands Lane, a public footpath (Havant Footpath No 67). The site is approximately one acres in size and bordered by mature trees, many of which are TPO'd and outside the application site.

2 Planning History (in date order)

APP/12/01027

Development of the existing paddock with 4No. five bed houses and access drive. Withdrawn 08/01/13.

APP/13/00336

Development of existing paddock with 4No. five bed houses and access drive. (Resubmission.)

Permission granted 03/06/2013.

This Permission has been quashed

Judicial Review

Permission APP/13/00336 has been quashed, following a recent judicial review. On the 23rd August 2013 the Council was served with Judicial Review proceedings on behalf of an objector to the application (the claimant), which had been issued in the Administrative Court, on three grounds:

- a) The Council's approach as to whether the principle of development was acceptable.
- b) The Council's decision to restrict the occupation of the development (as opposed to the commencement of development) until the relevant improvement to the access track are completed;
- c) The inclusion of a series of tailpieces to a number of conditions which have the potential to materially alter the development by informal means.

Following a response by the Council the High Court rejected Grounds 2 and 3 as being unarguable. However permission was granted for Ground 1 to be pursued.

In summary, Ground 1, was concerned with the question of whether the site, which was shown in the 2005 Local Plan, as part of the Hampshire Farm *reserve housing site* (site H4.3), but which had not formed part of the 2011 planning permission for Hampshire Farm, was still needed for housing in 2013. This was important because, under the 2005 Local Plan, which remains partly in force with policy H4.3 as a saved policy; reserve housing sites can only be released for development if, through monitoring of housing supply, the Council does not have a five year supply of housing. Otherwise the site remains in the countryside, and is subject to policies which do not generally allow for new housing.

The Court ruling turned on the interpretation of wording in the Planning Officer's report for the application APP/13/00336, and in particular whether or not the site had formally been released for development under the reserve housing policy. The Officer's report had mentioned that the land had not been included in the 2011 permission for Hampshire Farm, but made it clear that the Committee had previously agreed that the reserved housing site H4.3, should be brought forward for development.

The Council submitted to the Court that the effect of the decision in 2011 to grant the planning permission for Hampshire Farm, which formed the major part – over 90% - of reserve site H4.3 was to release the entire site H4.3 for development. However, it was the claimant's position that as there had been no 'formal' release of the land and it should therefore have been treated as countryside and planning application APP/13/00336 should have been refused.

The planning permission was quashed on 4th March by agreement with the Claimants on the basis that the officer's report did not deal adequately with the development plan policies and other relevant material considerations. The agreement to quash was on the basis of the indication given by the High Court that there was an issue as to the interpretation of the report wording, which could have had two meanings. The wording of the final quashing order was agreed by Consent and signed by the Claimants, the Council and the applicant and was approved by the High Court.

3 Proposal

- 3.1 The current application is similar to APP/13/00336. It is for the development of the existing paddock with 4No. five bed houses and access drive.
- 3.2 The new houses would be large family homes with attached double garages. The layout of the development has been carefully considered with the dwellings laid out in a 'L' shape. The dwellings would have substantial rear gardens and a well landscaped front lawn.
- 3.3 The houses would be two storey in height with second floor accommodation within the roofspace. The ridge height would be 9.2m, with an eaves height of 5.3m. They would be conventional in style using traditional materials, in keeping with the local vernacular with a mixture between the plots to give each property an individual character.
- 3.4 Access into the site would be via the existing entrance (Redlands Lane); a private driveway would lead from the Lane and run along the northern boundary of the site. Each dwelling would have four parking spaces, with two spaces available within the garages and two on the driveways. The garages would also be large enough to accommodate at least two bicycles alongside the cars.

4 **Policy Considerations**

National Policies

National Planning Policy Framework (NPPF) 2012

Local Plan (Core Strategy) 2011

CS9	(Housing)
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 Urban Areas)
CS20	Transport and Access Strategy
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Saved Policies of the 2005 Local Plan (HBDWLP 1996 – 2011) forming part of the Development Plan

H4.3 Reserve Housing Sites (Hampshire Farm)

Local Plan (Allocations) Publication Version October 2013

AL1	Presumption in Favour of Sustainable Development
AL2	Urban Area Boundaries
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

No objection

The tree plan in conjunction with the tree report for fills the criteria for the application to be subject of an informed report. Further advice has been sought in light of representation responses Ao) and Ap) below.

Building Control

No comments received.

County Ecologist

I have no overriding ecological concerns in respect to this application. I note that two of my colleagues have previously provided advice in relation to earlier iterations of the proposals: essentially, I have no additional comments to make and therefore if you are minded to grant permission, I would suggest that the recommended condition wording provided by my colleagues remains valid.

Crime Prevention Officer

Notwithstanding the above the properties themselves will be isolated. Therefore, I would recommend that all external doors are certificated to PAS 24 standard and all windows are certificated to PAS 24:2012 standard.

Development Engineer (Highways)

The planning application that was approved by the Development Committee on 30/0/2013 was 13/00336 not 12/01027 which was withdrawn. The site was visited by the site viewing committee on the 27/5/2013 and the Highway Authority representatives was asked questions on his recommendation to the Planning Authority that this application could not be refused on highway grounds because of the guidance given in National Planning Policy Framework (with regard to having to prove serious cumulative harm). The Planning Committee accepted this view after considering this and other public representation and subsequently approved the application. The newly submitted 14/00064 application is not materially different in terms of traffic movement and therefore the recommendation of the Highway Authority is that a highway safety reason for refusal could not be substantiated at any subsequent appeal and therefore should be approved subject to:

- The provision of three parking spaces per property
- Condition: The dwellings hereby permitted shall not be occupied until the access and highway works to Redlands Lane have been carried out in accordance with details shown on Drawing No.111036/PO6 unless otherwise agreed in writing by the Local Planning Authority. And maintained to this standard

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 2012.

An informative should be placed on any approval stating:

There must be no surface alterations to the footpath, nor any works carried out which affect its surface, without prior permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from the Countryside Access team of Hampshire County Council. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980. You are therefore advised to contact the Countryside Access team before any proposed work commences.

Regarding visibility, Manual for street gives [national] guidance with regard to sight lines and need to take into account the actual speeds of vehicles on the major highway. There is parking on Long Copse Lane which is narrow and drive speeds are below 30 mph. Taking the required x distance of 2.4 (the distance recommended by for the minor road in Manual for Streets) to the west a sight line of 43m can be obtained and to east a sight line of 33m. A sight line of 33m is the recommended stopping sight distance for a vehicle travelling at 25mph in wet conditions.

Drainage engineer

There is a known issue with surface water runoff resulting from issues in Long Copse Lane; run-off from the fields north of Long Copse Lane overcharges the ditches on the north and south side of the Lane and excess runs down Redlands Lane. Hampshire County Council is working to improve this by works to the pipes to the west, which will overcome the problem. In that context, because the cause and effect is known and is

being dealt with (albeit timescale unknown), this is not a material planning issue.

Environment Agency

The site is located in Flood Zone 1, as defined by the National Planning Policy Framework as having a low probability of flooding. Recommend that you liaise with the Lead Local Authority regarding surface water [See Drainage Engineer comments above]

Hampshire Fire & Rescue

Access and facilities for Fire Service Appliances and fire-fighters should be in accordance with Approved Document 85 of the current Building Regulations.

Water Supplies

Additional water supplies for fire fighting may be necessary.

Hampshire Wildlife Trust

Comments awaited.

Landscape Team

No comment.

Natural England

Previous comments to planning application APP/13/00336:

The proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England advises that there is sufficient information available regarding bats. From the information available to us Natural England:

- Considers that there are suitable features on, or in the vicinity of the application site for bats to use as roosts
- Confirms that detailed visual inspections have been carried out, with no evidence of a roost found
- Advises that the application does not involve a medium or high risk trees as defined in our standing advice.
- Advises that the application is unlikely to affect the species, through disturbance to individuals, or from damage or destruction of a roost.

Planning Policy

The application site forms a small part of a Reserve Housing Site (Hampshire Farm) under saved policy H4.3 of the Havant Borough District Wide Local Plan (2005). The site does not form part of the Strategic Gap.

Importantly the emerging Local Plan (Allocations) has now been submitted to the Secretary of State for Examination (submitted in December 2013). An Inspector has been appointed and hearing dates set from the 29th April. The Matters & Issues for discussion at the hearings has now been published and it includes no issues directly pursuant to this application site.

The status of this site within the emerging plan is that it is within the Urban Area Boundaries (emerging Policy AL2) where new housing development is supported by

Policy CS17 of the adopted Core Strategy.

Paragraph 216 of the NPPF outlines the weight to be given to emerging plans....

216. From the day of publication, decision-takers may also give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In accordance with the NPPF, Havant Borough Council at its full Council meeting of 2nd October resolved that the Local Plans (Allocations) Publication version was a material consideration in the determination of planning applications.

The Local Plan (Allocations) is now at an advanced stage having been submitted for Examination and examination hearings scheduled without the need for a Pre-Hearing meeting.

One of the roles of the Local Plan (Allocations) is to define urban area boundaries within the Borough. The policy in relation to these boundaries, was subject to two six week periods of consultation, one at the Draft and another at Publication in 2012 and 2013. Following consultation, amendments to the Plan were made to reflect comments received and the evidence available. These amendments included changes to the area boundary at various points around the Borough including Emsworth. In line with the national planning regulations, the Local Plan (Allocations) Publications 'consultation' provided an opportunity for the public to comment on the Council's 'final plan', including all changes made. It also provided an opportunity for objectors of the Plan to request their matter to be heard at the Examination in Public (EIP). These comments are sent directly to the independent Inspector who oversees the examination in public.

Consultation on the Local Plan (Allocations) Publication Version ran from 12 October to 22 November 2013. No comments were received in relation to this site and its position in relation to the Emsworth urban area boundary and no person or organisation requested to be heard at the EIP in relation to this matter during the consultation period. The Inspector has since released the programme of Matters and Issues discussion at the EIP, which takes place from 29 April 2014. This does not include any specific reference to this site or matter and the applicant has not been invited to take part at the Hearing.

Weight can still be applied to saved policy H4.3 of the 2005 Local Plan (HBDWLP), although with regard to the fact that it will be superseded on adoption of the Local Plan (Allocations). This policy was set with regard to an overall housing requirement set through the now redundant Hampshire County Structure Plan (HCSP) and was formulated in relation to PPG3. The HCSP housing target for Havant Borough was subsequently superseded by the much higher 6,300 figure set within the Council's adopted Core Strategy. PPG3 was replaced by PPS3 and now the NPPF. Housing targets and the need for new homes in the Borough, as well as national

guidance/policy, have moved on significantly since the 2005 Local Plan was formulated/adopted.

The Council's last annual monitoring report (December 2013), clearly demonstrates that the Council has a deliverable five year supply plus an adequate buffer, over 20% in accordance with the NPPF. This was not the case when the larger Hampshire Farm development was considered and found acceptable by the Council in 2011. However, even though a five year supply currently exists in Havant Borough the proposal at this application site is consistent with paragraph 14 of the NPPF (sustainable development) and should therefore be supported. In coming to this view regard is had to the allowed appeal at Goldring Close (APP/X1735/A/13/2192777). In this appeal case a large urban extension site was found acceptable in the context of paragraph 14 of the NPPF despite the presence of a five year supply of housing. In addition the Goldring Close appeal proposal was *not* in accordance with the emerging plan (unlike the application site). The Inspector in this appeal decision appeared to apply little weight to the fact that part of the appeal site was a reserve housing allocation under Saved Policy H4 of the HBDWLP and instead appeared to apply a lot of weight to sustainable development outlined in the NPPF.

All these matters lead to the view that considerable weight can now be applied to the submitted Local Plan (Allocations), as supported by the NPPF. In addition *some* weight can be applied to Saved Policy H4.3 of the HBDWLP, however with awareness to the fact that the compelling need and scale for new homes has changed considerably since this policy was adopted.

With regard to the above there is **no objection** to the principle of the proposed development which is in accordance with the submitted Local Plan (Allocations) and appears to be sustainable development in the context of the NPPF.

Public Spaces Development Manager

No comment.

Royal Society for the Protection of Birds

No comments received.

Rights of Way Officer

Access to the site would be along Havant Footpath No 67, known locally as Redlands Lane.

There are no recorded public vehicular rights over this path and it is an offence under s34 Road Traffic Act 1988 to drive over a public footpath, bridleway or restricted byway without lawful authority. We have had several discussions with the applicants' agent prior to the formal submission and understand that they do have a private right of access. We are satisfied with the access arrangements and are happy, in principle, with the proposals for the surface of the path.

Should permission be granted, we would ask that the applicants be made aware that:-

- All vehicles, including those of contractors and deliveries, would be accessing the site via a public footpath and should give way to public users at all times.
- Any damage caused to the surface of the public right of way by construction traffic will be required to be restored to the satisfaction of the Rights of Way Officer, to not less than its minimum width, on the completion of the build.

- Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a right of way to a standard commensurate with its expected normal public use.

- There must be no surface alterations to the footpath, nor any works carried out which affect its surface, without prior permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980. We would therefore urge the applicants to contact us before any proposed work commences.

- Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times. If there is likely to be an effect on the footpath in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk Assessment be carried out, and that if there is deemed to be a risk to users of the footpath, the applicants should contact this office directly to discuss the Temporary Closure of the footpath for the duration of the works.

In addition, no builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

Southern Water

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer.

- No new soakaways should be located within 5m of a public sewer.

- All existing infrastructure should be protected during the course of construction works.

SE Ramblers Group

No objection to the Proposed Development after reviewing, 'Details of Redlands Lane Access Site plan & sections' drawing no. 11136/P06.

The north section of Redlands Lane would have a 3m width redressed-gravel surface with a, 'passing space and turning space for larger vehicles', continued JUST past the entrance of the development. The remainder of Redlands Lane, tracking south and meeting at the east end of Birch Tree Drive, should RETAIN its rural-FOOTPATH nature with 1.2m width and vegetation / bushes on its west side; this would help to ensure that NO VEHICULAR TRAFFIC passes along this part of this link-Footpath.

Waste Services Manager

No comment.

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: 44

Number of site notices: 1

Statutory advertisement: 26/04/2013

Number of representations received: 24 representation letters including Emsworth Residents Association have been received raising the following points, which are considered in section 7 of this report:

Representations

- a) Redlands Lane is a public footpath and forms part of the Sussex Border Path.
- b) Redlands Lane is uneven, un-made with restricted width and no drainage infrastructure and is unsuitable to serve the proposed 4 dwellings. When it rains the lane becomes a stream. Use by construction traffic will make it usable for other users.
- c) Long Copse Lane is narrow and has blind bends and development which encourages the use of the lane should be carefully considered with respect to safety. Access should be taken off Hampshire Farm.
- d) The applicants have no rights (according to their own title documents) to carry out any works to the track. They have rights over that track but those rights do not carry, either by implication or otherwise, the right to undertake the works that they say will be necessary. There is no right to works other than to maintain the track in its current form. Another owner could come forward and disallow these works. A planning condition or bilateral s106 obligation requiring works would therefore be unenforceable and beyond the Council's powers (*ultra vires*).
- e) No consideration appears to be given to the physical carriageway width requirements to ensure that all traffic can safely pass.
- f) Significant engineering works are required to provide passing places and the turning area could be used as an extended car park.
- g) The junction of Redlands Lane with Long Copse Lane is restricted in respect to visibility splays and sight lines and any vehicles emerging will constitute a danger to vehicle traffic, pedestrians, cyclists and horse rider. A sight line of 45 metres cannot be provided at the junction with Long Copse Lane. Approval would breach Government guidelines
- h) Redlands Lane is not regularly used for vehicular access but used by horse rides and pedestrians.
- i) Redlands Lane should be made up to minor road status
- j) The development will cause inconvenience to everyone in the area.
- k) Will increase traffic and cause dangers to animals and children and pedestrians.
- l) Loss of the trees on the site when construction vehicles enter and leave.
- m) The applicant has not used golden gravel to maintain the lane. Increased traffic will cause the lane to become a quagmire
- n) Loss of wildlife, much of the bat foraging area has already been decimated by the Hampshire Farm development
- o) Car head lights will shine into our rooms resulting in light pollution and noise nuisance from use of lane and turning near to windows. .
- p) Loss of privacy and amenity . Gravel is noisy. The recent surfacing with gravel has already partially washed away.

- q) . Adverse impact on Long Copse Lane and Redlands Lane which are of special significance and amenity, with Long Copse Lane providing a natural border between the rural and built up area.
- r) Potential for flooding and drainage issues.
- s) In highway safety terms the applicants have failed to demonstrate that the junction of Redlands Lane with Long Copse Lane can provide adequate visibility splays and this should be viewed as a highway safety issue by both Havant Borough and Hampshire County Councils.
- t) Fire and Rescue vehicles require a recommended 3.7m width of access in order to operate at the scene of a fire, this can be reduced to as low as 2.75m for a short distance for access through narrowing's. The 70 – 75m between Long Copse Lane and the site is not a short distance.
- u) The easement that the applicants do have for the benefit of their land is not for all purposes and it is open to question as to whether it (the easement) is sufficient to allow access for the intensification of use that is proposed. Additionally access for refuse vehicles would be difficult.
- v) The development will be unnecessarily intrusive to the occupiers of the adjoining Redlands Lane houses.
- w) The applicants have themselves excluded the possibility of the site being developed with Hampshire Farm, presumably for financial reasons.
- x) The site is open countryside and should not have been released for development.
- y) Hampshire Farm development has already increase housing density in this area.
- z) Strain on local amenities and turning Long Copse Lane into a rat run for traffic.
- aa) Residents of Long Copse Lane are suffering for the activity at Hampshire Farm and it is unreasonable to expect that we should suffer more.
- ab) Over development.
- ac) The proposals are a reasonable use of the land (providing the stables are no longer needed).
- ad) There is no provision for visitor parking and therefore the 4 spaces will be insufficient leading to use of Redlands Lane for parking and obstruction.
- ae) The applicant has access rights to a width of 36ft (11m). The proposed hammerhead turn greatly exceeds the entrance to the field so this would extend beyond the part of the lane over which the applicant has rights and would encroach onto part of the lane which is written into the deeds as rights of access to No.25, 27 and 29.
- Af) During heavy rain the gravel would gradually wash away to the south as currently happens in heavy rain. There is no possibility of the applicants introducing any form of drainage to manage this as they have no control over the surface of the lane. Therefore the lane would be unsuitable for the mobility impaired.
- Ag) Redlands Lane is a designated Public Footpath. As such, cycling is not permitted and upgrading to allow for cycling would need the consent of the owner – but the owner is unknown.
- Ah) The development would be contrary to NPPF in respect of it location and access.
- Ai) The site comprises presently a paddock and stabling. There is no evidence that this use is surplus to requirements and no assessment has as far as can be determined ever been undertaken. The paddocks at Hampshire Farm (where most of the site actually built on and the translocation area were previously used for equestrian activity) have not been replaced.
- Aj) Planning application for 21 Redlands Lane 09/50249/003 came with the condition that the lane was not used for construction traffic due to its unsuitability what has changed?
- Ak) This proposal falls outside the Hampshire allocation for housing. The fact that this allocation has already been reduced by thirty in the adjacent Hampshire Farm development, means that this proposed development is not necessary housing but merely a profit making exercise by the landowner. There is no justification for the

release of this reserve housing site.

Al) When the Hampshire Farm development was approved one of the requirements was to provide a wildlife corridor to the north of Hampshire Farm to allow the movement of wildlife, particularly deer, from the open area to the east of Hampshire Farm, up Redlands lane and into Hollybank Woods. This is working, and deer have been seen in the corridor. If this development is approved, Redlands Lane will be well used by cars and effectively block this free movement.

Am) The applicant needs to satisfy themselves that they have authority to drive over the lane.

An) Contrary to policy CC20 as access is inadequate, and contrary to CS16 as it will cause noise disturbance.

Ao) The tree plan does not include consideration of the proposed hammerhead; update needed, including 'load mitigation'

Ap) The tree survey should include Redlands Lane, as some trees are set back, others are not. Consequent tree protection should be included, taking into account 'above ground' tree protection', control over standards of construction in the lane and TPOs. Are any trees in the lane currently protected?

Aq) Plot 1 will overshadow the neighbouring garden and should be moved at least 3m away. This may impact further on trees.

Ar) No windows should face Long Copse Lane

As) Saved policy H4.3 is part of the statutory development plan. Decisions must be in accordance with it, unless material considerations indicate otherwise. If through monitoring, there is no compelling need for releasing the land – i.e. more than a five year supply is already available on other sites – then the site should not be released under the reserved housing sites process, and countryside policies remain in force and it is a rural gap under the 2005 saved policy UF1. The land is also countryside in the Local Plan Core Strategy 2011.

At) [Linked to As) above] Monitoring shows that the Borough has more than the required five year supply of housing 8.5 years worth, based on current figure.

At) The site has only been included in the proposed urban area at a late stage in the making of the emerging Local Plans Allocations document and in light of the 2013 planning permission APP/13/00336. As this is now to be quashed, the objector will be seeking permission from the Local Plan Inspector, for an objection to changing the urban area boundary, to be considered at the Examination in Public in April 2014. In light of this objection only very limited weight can currently be attached to this proposed boundary change; this limitation is supported by the NPPF.

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) Nature of the development
- (iii) Impact upon neighbouring properties
- (iv) Impact upon the streetscene
- (v) Ecology
- (vi) Trees
- (vii) Highway and Access Arrangements

(i) Principle of development

National Planning Policy Framework

a) The National Planning Policy Framework (NPPF) was adopted by National Government on the 27th March 2012, replacing all previous National Policy Documents, including all Planning Policy Statements and Planning Policy Guidance Notes. The primary objective of the NPPF is to increase delivery of sustainable growth and development. It is about delivering growth that is not to the detriment of future generations.

b) At the heart is the achievement of sustainable development, with paragraph 14 indicating that the presumption in favour of this is seen as the golden thread running through both plan making and decision-making. The three dimensions of sustainable development set out in the Framework give rise to the need for the planning system to fulfil an environmental, economic and social role.

c) The site is in a sustainable location. It is closely and well related to existing residential areas and reasonably close to a range of facilities accessible on foot, by cycle or by bus. Use of sustainable means of transport has been provided through the Hampshire Farm (Redlands Grange) development with improved bus services and provision of a site for a doctors surgery. Other aspects of environmental sustainability would be the ability for the dwellings to make use of renewable energy technologies and the intention for them to be designed to achieve a minimum of Level 3 of the Code for Sustainable Homes in terms of energy efficiency. Although further comments arboricultural comments may follow, the scheme would retain many of the existing landscape features of the site (trees) and the Hampshire County Council Ecologist has confirmed that there are no overriding ecological concerns.

d) In terms of the economic and social roles of sustainable development, by providing housing the scheme would make a contribution to the local economy, the Council being part of the partnership of Local Authorities that has come together to deliver sustainable economic-led growth and regeneration within South Hampshire. The development would provide high quality family homes making a useful addition to housing land supply.

e) As such the proposal represents sustainable development; and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development.

Saved Policy H4.3 of the Local Plan 2005

f) The 2005 Local Plan (Havant Borough District Wide Local Plan or HBDWLP) was adopted in September 2005. As a result of the Planning and Compulsory Purchase Act 2004 it was only able to be used for 3 years after its adoption, but some of its policies have been saved and remain in force, under provisions of the Planning Acts.

g) Policy H4.3 allocated the site as part of the Hampshire Farm reserve housing site. It is noted that the Local Plan Inspector in 2004 had said about the reserve site:

“whilst the site at present has the appearance of countryside, it undoubtedly is affected by urban influences of the development that adjoins it. Given that there is an accepted need to provide some greenfield sites for future housing use, the land is an appropriate candidate for consideration as an urban extension”.

h) The effect of the 2005 reserve housing site policy was to allow for housing development only if monitoring revealed a compelling need for development to meet housing requirement. Monitoring was to take into account the potential for development in existing urban areas, including previously developed land and the use of increased development densities. Certain benefits of the reserve site were the provision of a some 17ha open space and a site for a doctor's surgery/pharmacy. A development brief would guide development of the land. If the land were not needed for housing development countryside policies would remain in force, such as C1 and UA1 of the 2005 Local Plan which were replaced by the Core Strategy policy CS17 in 2011.

i) For completeness, and in response to a point in the neighbour representations, it is noted that the site was not shown as part of the undeveloped gap between Emsworth and Westbourne in either of the Local Plan proposals maps in 2005 or 2011.

j) In November 2010, the Council resolved to grant outline planning permission for the construction of 280 dwellings on around 90% of the reserve housing site. This provided the benefits of open space, allotments and land for a surgery. The Officers Report to Committee set out the policy background to the planning application and concluded that, if housing supply were required, Site H4.3 could be released for development. The principle of development was assessed and it concluded that it was critical for Site H4.3 to be released at that stage in order to maintain a five year housing land supply. Following the Committee resolution to grant, the decision notice was issued on 13th May 2011.

k) The current position regarding housing land is that there is a five year housing land supply in the Borough, including a buffer of 20%, in accordance with national planning policy (the NPPF 2012). Accordingly, although approximately 90% of the reserve site land has already been developed, there is no requirement to develop the land under the 2005 saved policy H4.3 of the development plan.

Local Plan Core Strategy 2011

l) The Core Strategy 2011 is first part of the Havant Borough Local Plan, it sets out development requirements over the period 2006 to 2026. As mentioned in paragraph h above, policy CS17 concentrates development in the urban area and the application site lies outside the urban area boundary in the 2011 plan (which essentially carries forward the 2005 urban area boundary). The policy only allows for development in the countryside where it is consistent with national planning policies for the countryside; currently the NPPF 2012. The national policy promotes rural development in the section: *Supporting a prosperous rural economy*, where development supports business, tourism, leisure and rural services or promotes agriculture or the retention of local services and facilities. The proposal is not considered to offer these benefits, (with perhaps only a small supporting role for local services and shops). Accordingly the development is not supported by this part of the NPPF.

m) Elsewhere the NPPF refers to tests which should be met for the development of new housing in isolated locations, for instance, the need for rural workers or the use of 'truly outstanding or innovative' designs. However, as the site is close to existing housing, it is not considered to be isolated and accordingly the tests do not apply.

n) In summary, by cross reference with the NPPF, policy CS17 of the Core Strategy, does not support the proposal.

Havant Borough Local Plan (Allocations) Publication Version 2013

o) The Havant Borough Allocations document forms the second part of the Local Plan. It identifies sites in the Borough to meet housing requirements up to 2026. Consultation on the Draft Allocations Plan closed in January and the finalised document was subject to public consultation for six weeks from 11 October to 22 November 2013. A resolution of Full Council on 2nd October stated that the Local Plans (Allocations) Publication version was a material consideration in the determination of planning applications. The NPPF confirms that the weight attached to its policies increases as stages of preparation are reached, the extent to which there are unresolved objections to its policies is also important, the less significant the unresolved objections, the greater the weight that may be given. Consistency between policies and the NPPF also adds weight.

p) The Publication version of the Plan, along with the representations received during the consultation have been formally submitted to the Government and an Examination in Public (EIP), is scheduled to take place on 29th April, for three days. Following the EIP the Plan is scheduled to be adopted in early summer 2014. Adoption of the Plan will supersede the reserve housing site policy H4.3 of 2005. It would also confirm the new urban area boundary to include the application site; this was proposed by policy AL2 of the draft version Allocations Plan in October 2013. In that context policy CS17 of the Core Strategy, which supports development in urban areas, would support the current planning application.

r) It is noted that no objection was received to the inclusion of the site within the urban area boundary, during the public consultation of October to November 2013. However, an objector to the current planning application has also lodged a objection to the Allocations Plan after the consultation period. This has been referred to the planning Inspectorate, which has declined to admit the objection to the EIP. The Inspector has since released the programme of Matters and Issues discussion at the EIP. This does not include any specific reference to the urban boundary relative to this site and the objector has not been invited to take part at the EIP. Mindful of the NPPF, as referred to in paragraph o) above, there is no unresolved objection to the policy to be considered by the Inspector and this adds to the weight which can be attached to the new urban edge policy AL2.

Summary

s) In summary, the adopted development plan comprises the Local Plan Core Strategy 2011 and the saved policies of the 2005 Local Plan. Planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations here include the NPPF and the policies of the Allocations Plan Publication Version.

t) According to the development plan, the site is outside the urban area, accordingly policy CS17, which is cross referenced to the NPPF, does not support the proposal for housing development. Furthermore, at present there is sufficient housing land available elsewhere in the Borough to provide more than a five year supply, and accordingly there is no compelling reason to release the site for development under the reserve housing policy H4.3 of 2005.

u) However, according to the Allocations Plan Publication Version the site is within the urban area, where development is supported by the Core Strategy policy CS17. Although this Plan is not yet adopted, it has reached an advanced stage and carries

weight in decision making. The site is also located in a sustainable location and is considered to be sustainable development as supported by the NPPF and policy AL1 of the Allocations Plan Publication Version, which are up to date policy documents. There is no unresolved objection to the urban area boundary, albeit a late objection was made, but this is not before the Inspector at the EIP. Furthermore, in landscape terms, the containment of the site by housing on three sides is such that development would not appear to make an incursion into the nearby countryside; this is considered later in this report.

v) In conclusion it is considered that the material considerations in this case, outweigh the older development plan policies and that the principle of housing development can be supported.

(ii) Nature of the development

- 7.5 In assessing whether the nature of the development would be acceptable the following factors have been considered:

- The density of residential development
- The mix of dwelling sizes and tenures
- The design and layout of the development

The density of residential development

- 7.6 This application seeks 4 new dwellings on site which equates to 9 dwellings per hectare. Local Plan policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters): *'Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form'*.
- 7.7 The supporting text of the Core Strategy paragraph 6.21 provides further guidance stating that: *"The density of new housing will depend on its design and appropriateness to its location. As a guide the following minimum density thresholds have been developed using the Havant Borough Townscape, Landscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:*

High Density – Minimum of 60 dph (dwellings per hectare)

Medium Density – Minimum of 45 dph

Low Density – Up to 45 dph

Under this assessment the proposal falls within the Low Density category.

- 7.8 Paragraph 6.23 makes it clear that *'It is not intended that density requirements should be too prescriptive as it is often a difficult balance between maximising the use of land and reflecting surrounding built character and the amenity of neighbouring residents. This is therefore best assessed through individual planning proposals through the development management process'*.
- 7.9 The NPPF states that: *'To boost significantly the supply of housing, local planning authorities should, (amongst other matters) set out their own approach to housing density'*. The proposed density of 9dph is considered to be an appropriate density, due to the trees surrounding the site, ecology, access arrangements and the density and form of the surrounding area. The proposed density for the site is as a result in accordance with Core Strategy policy CS9.

The mix of dwelling sizes and tenures

- 7.10 The application proposes four large five bedroom dwellings within the site. Although this does not provide a mix of dwellings types and sizes, it is considered that these executive dwellings fits with this location, which contains large dwellings to the north and smaller ones to the south and west. Furthermore, the development at Hampshire Farm creates a mixed and integrated community and such both sites comply with the requirements set out in Core Strategy policy CS9. Due to the number of dwellings proposed, no affordable housing is required on the site in accordance with Core Strategy policy CS9 of the Local Plan.

The design and layout of the development

- 7.11 The layout comprises an L-shaped group, which are considered to be reasonably well spaced, in a manner which makes a transition between the recent Hampshire Farm development and the largely rural setting to the east. The site is bounded on three sides by residential development and as such it will no significantly affect the open character of the land to the east, where public open space is to be provided as part of the Hampshire Farm development. Separations between houses range between 2.6m and 5m, with rear gardens typically exceeding 18m. This allows for existing trees to be retained and for additional planting.
- 7.12 Building styles are a mixture of conventional brick and tile forms, broken pitched rooflines of varied heights, dormers and gables. There are some decorative features such as tile hanging and brick quoinwork. These are fairly similar to the Hampshire farm development. Windows would be of traditional rectangular proportions and use white UPVC. The design and layout is considered to be acceptable.

(iii) Impact upon neighbouring properties

- 7.13 To the north of the site are large residential dwellings (38 - 42 Long Copse Lane). These properties have substantial gardens with lengths of over 45m. There are twenty-one Monterey Cypresses close to the north boundary of the site (but within the gardens of 38 - 40) that assist in screening the development from these neighbouring properties to the north.
- 7.14 The side elevation of Plot 1 would be 52m from the rear elevations of 38 - 40 Long Copse Lane and 56m from the rear elevation of 42 Long Copse Lane. These are sufficient distances not to result in significant loss of amenity to the neighbouring residents. There are two first floor bathroom windows on the side elevation, facing the boundary with the neighbour (38/40 Long Copse Lane) to the north, a condition to require these to be obscure-glazed and with only the top section openable, is considered reasonable to minimise risk of overlooking of the rear part of the neighbour's garden. On other plots, proposed north-facing first floor windows (bedrooms, hallways and bathrooms) are approximately 12m – 17m from the north boundary and over 50m from the rear elevation of the 38 - 40 Long Copse Lane. These distances are also considered sufficient to minimise to maintain a reasonable degree of privacy. Planning conditions are recommended to control alterations to the roofs and insertion of windows in all roofs, and in the case of plot 1, no additional first floor windows in the north elevation.
- 7.15 To the west of the site is a terrace of residential properties in Redlands Lane. These properties are over 20m from the side garage of Plot 4. There is only one second floor window proposed in the side elevation of plot 4. This is a secondary window and

would serve a bedroom. Concern has been raised about car lights from the development shining into the windows of the existing houses, as cars leave the site at night. There is also concern that vehicle movements on gravel will be noisy. In response, it is considered that these instances are likely to be brief and their effect is not considered so weighty as to render the proposal unacceptable.

- 7.16 To the south of the site is the recent Hampshire Farm development. These new dwellings are a sufficient distance away so as not to result in any loss of amenity to future residents.

(iv) Impact upon the streetscene

- 7.17 The four detached dwellings would occupy the existing paddock, set back 65m from the Copse Lane frontage. The site is well landscaped with hedging and a mature belt of trees on all boundaries of the site.
- 7.18 Plots 2 - 4 are side onto Redlands Lane and Plot 1 is over 57m from the access into the site. The dwellings are to be conventional style using traditional materials in keeping with the local vernacular with a mixture between the plots to give each property an individual character. The dwellings would have substantial rear gardens with lengths over 18m as aforementioned. The frontages would be sensitively landscaped and natural materials will be used as far as possible in conjunction with a gravel surface access.
- 7.19 It is considered that the dwellings would be significantly screened from Redlands Lane by the existing trees and hedgerows and that they would have no significant impact upon the character and appearance of the streetscene.

(v) Ecology

- 7.20 An Ecological Scoping Appraisal has been submitted in support of the application. There are twenty-one Monterey Cypresses close to the north boundary of the site but within the garden to the north. There are three Monterey pine trees with the adjacent garden to the east.
- 7.21 The southern boundary comprises of a row of fifteen trees including one small multi stem field maple, two mature ash trees and twelve mature oak trees. The western boundary has a row of two mature poplar trees and five oak trees between a grazed on-site paddock and an adjacent public right of way.
- 7.22 The Ecological Scoping Appraisal confirms that the site is heavily grazed grassland and which for the most part is not suitable for reptiles. While there was some long grass present in one of the paddocks being rested, this area is part of the rotational grazing management of the site. There are some long grass areas around the site internal margins and while these areas are not affected by the current proposals, it should be noted that are of some ecological interest with regard to their potential grass snakes and slow-worms. If reptiles are found in areas affected by the development, then for safety, it is proposed that these will be translocated to a suitable grassy area.
- 7.23 Birds will be nesting in the trees and scrub on and around the site and during which time (March to August inclusive) they are protected by law. Any works that directly affect trees and shrubs (such as felling, surgery, excessive noise and vibration) should be undertaken outside of the bird nesting season.
- 7.24 An ecological appraisal has also been submitted regarding to bats. In summary, while

most of the trees showed no bat potential, a few of the trees affected do have some small features that could potentially be used by bats. In view of this, the applicant is proposing to pollard rather than fell one ivy covered tree and avoid removal of boundary trees with significant bat potential. By way of further precaution, it is recommended that tree works should be supervised by an ecologist with appropriate experience of working with bats. A planning condition can be used.

- 7.25 Policy DM24 of the Allocations Plan Publication Version seeks to mitigate impacts of new residential development on designated habitats (SPAs). This augments the Core Strategy policy CS11(11) and is based on concern that dwellings which are not immediately close to the SPA may have an impact on it, in combination with other residential development in the Borough. Currently, further work is needed to ascertain a fair and proportionate approach to mitigation, including the impact of small residential developments and although provisions are not currently in place for measures to be undertaken or contributions to be made for development of the scale proposed here, this is likely to change as further work is undertaken. A Cabinet report on this policy is due to be considered on 19th March and an update will be given to the Committee.

(vi) Trees

- 7.26 Trees at the boundary of the land are covered by Tree Preservation Orders (TPOs). This does not include trees along the section of Redlands Lane between the north-west corner of the field and Long Copse Lane but includes Redlands Lane to the south. The majority of the trees along the boundaries of the field are outside the control of the applicant. As such, these trees are somewhat protected from development due to them being in different ownership as well as TPOs. There is sufficient distance between the trees and the dwellings for there not to be any significant impact upon both the amenity of the trees or the future residents of the dwellings (in terms of light and overshadowing).
- 7.27 Several trees are shown for felling as part of this application, due to them being either dead or dying and the Council's tree officer is satisfied with the submitted Arboricultural Assessment. Neighbour comments regarding trees in Redlands Lane, and any implications of the surface treatment and traffic have been put to the applicant and it is noted that in the case of a planning permission granted in 2009 for a new house at 21 Redlands Lane, the tree officer recommended either that trees be protected along the lane during that development, or that development traffic used the Wraysbury Park Drive, onto which the plot fronted. Any further arising arboricultural information will be considered by the Council's tree officer, in which case an update will be given.

(vii) Highway and Access Arrangements

- 7.28 Access to the site would be along part of Redlands Lane, which is a public right of way (Havant Footpath No 67). The section providing access, and a proposed passing place, amounts to some 78 metres in length, between the boundary of the field where houses are proposed, and the junction with Long Copse Lane to the north. The proposal includes the trimming back of vegetation at the margins and the provision of a gravel surface along 70 metres, with an existing tarmac surface retained for the 8 metre length immediately south of the Long Copse Lane junction. The applicant states that a finer, more compacting gravel surface will be applied at the completion of development, in replacement for the gravel surface recently laid.
- 7.29 The Council's Development Highway Engineer is satisfied with the proposals, subject to the use of a planning condition to provide the surfacing. He has also considered

neighbour comments regarding visibility at the junction. Taking into account National guidance he notes that the 'drive speed' of Long Copse Lane is affected by factors including on-street parking and concludes that sight lines of 43m to the west and 33m to the east are acceptable, (a sight line of 33m is the recommended stopping sight distance for a vehicle travelling at 25mph in wet conditions). Taking this into account and that the lane can currently be used by vehicles accessing the site, he concludes that the proposal does not pose serious cumulative harm, as referred to in the National Planning Policy Framework.

- 7.30 The provision of a passing point has been provided to allow vehicles to pass along Redlands Lane. This would be by way of an enlarged turning head at the entrance to the development at its junction with Redlands Lane. This will not only provide a passing place but also facilitate the manoeuvring of large service vehicles attending the properties.
- 7.31 The Rights of Way Officer has been consulted on the application and is satisfied with the access arrangements and is happy with the proposals for the surface of Redlands Lane. No objection is raised subject to informative notes being added to the decision notice if permission is granted.
- 7.32 The drainage engineer is satisfied with the proposals. Existing surface water drainage in Long Copse Lane is due to be improved by the County Council reducing the risk of surface water flowing into Redlands Lane, although there is no fixed timetable for this work.

Use and surfacing of Redlands Lane

- 7.33 Because Redlands Lane is a public footpath, and there are no recorded public vehicular rights over this path, it is an offence under s.34 Road Traffic Act 1988 to drive over it without lawful authority. Its ownership is also unknown. However, the applicant has confirmed that he has a private contractual right way, entitling him to the use Redlands Lane to a width of 36ft (11 metres) as a roadway, this includes vehicle usage. In terms of ownership, the applicant has also submitted the required Certificate D under the Town and Country Planning (Development Management Procedure) (England) Order 2010 (Article 12), which meets the legal requirements for making a planning application where an owner is unknown.
- 7.34 Although the applicant has a legal right to use the full 11 metre width, by way of access, it is intended that just the current width would be used with trimming back of verges to give a consistent 3 metre width, without significant disruption to the existing verges, trees and vegetation. This would assist in maintaining the rural character of the lane. The applicant has recently resurfaced Redlands Lane with gravel, with the approval of the Rights of Way Officer. A condition is recommended to ensure that the surface is redressed with finer gravel before the last of the four dwellings is occupied.
- 7.35 One of the Grounds of judicial review was that the Redlands Lane access was not in the ownership of the applicant. The claimants contended that this created a potential for the upgrading works, required by planning condition, to be the subject of a dispute and/or the use of the track itself to be prevented. It was alleged that the Council acted irrationally in deciding that it was appropriate to grant planning permission in circumstances where there remained uncertainty over the right to use the Access Track.
- 7.36 In response to those allegations, the Council responded that while ownership of the track was (and remains) unknown, there was sufficient certainty. The applicant has a

right of way over the access track, he has the right to maintain it for its purpose, and has used the access track for vehicular access to the site since 1991. The County Council, as Rights of Way Authority, was (and remains) satisfied with the access arrangements and is happy, in principle, with the proposals for the surface of the path.

- 7.37 The High Court noted that the evidence satisfied the Council that there was no uncertainty with regards to the access track and that these were matters of planning judgment. The Council's planning judgment had taken into account all relevant considerations - including the objections made by in relation to the access track, as summarised in the officer's report in 2013 - and it was rational in the circumstances.
- 7.38 The claimant was therefore not given leave by the Court to proceed with this Ground of challenge. Accordingly, the issue of the applicant's right to use and maintain the Access Track has been tested in the High Court and dismissed.
- 7.39 In conclusion, the proposals are considered to provide a reasonable standard of access in accordance with policies, including the NPPF and CS20. The Council is satisfied that the applicant has sufficient legal rights to allow for the surfacing and maintenance of the lane and its use for the proposed development. Accordingly a planning condition requiring the provision of the gravel surface is within the Council's powers and can be applied.

8 Conclusion

- 8.1 Although the reserve housing policy of 2005 and the urban area boundary in the development plan, do not support the application, the Allocations Plan Publication Version is a material consideration of weight, and the inclusion of the land in the urban area under policy AL2 is supportive as is the Core Strategy policy CS17 in this context. The proposal is considered to be sustainable development in accordance with national policy and the Allocation Plan policy AL1. The principle is therefore acceptable.
- 8.2 Access along Redlands Lane is acceptable in highway terms. The applicant has sufficient legal rights to use and surface the lane and the Rights of Way officer is satisfied. A planning condition can be used to require the surfacing of the access. The Council's drainage engineer raises no objection to the proposal.
- 8.3 It is considered that the proposal would not result in any significant loss of amenity to surrounding residential properties, but conditions can be used to control windows in some locations, alterations to the roofs, Extensions are also to be controlled, although single storey extensions in themselves are unlikely to significantly impact upon neighbours, but nearby TPOs give rise to the need for a broad control of extensions. A tree protection plan will safeguard trees during development, and an update will be given concerning trees in Redlands Lane. The ecologist is satisfied with the proposals and relevant conditions are recommended.
- 8.4 The application is recommended for approval, subject to conditions
-

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00336 subject to conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Construction of the buildings hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3. No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

4. No development hereby permitted shall commence 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.

5. No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard 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.

6. Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.

Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

7. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A, D, E and F of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) England) Order 2008, as amended, or any order revoking or re-enacting that Order, shall be erected within the curtilage of any dwelling.

Reason: In the interests of the character and amenities of the development having due regard to policy CS16 of the Havant Borough Local Plan Core Strategy 2011 which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

8. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, there shall be no alteration to the roof of the dwellings hereby approved nor the addition of windows permitted by Part 1, Classes B or C of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 as amended, or any Order revoking or re-enacting that Order.

Reason: In the interests of the character and amenities of the development having due regard to policy CS16 of the Havant Borough Local Plan Core Strategy which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

9. The bathroom windows at 1st floor level in the north side elevation of the dwelling at plot 1 shall:-

(i) consist of at least two lights divided horizontally with only the top light capable of being opened, and shall be maintained in that condition at all times;

ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscurity no less obscure than that which is provided by Pilkington's Texture Glass Obscurity Level 4.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

10. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, or any order revoking or re-enacting that Order, no additional windows shall be formed at 1st floor level in the north side elevation of the dwelling at plot 1

Reason: In the interests of the character and amenities of the development having due regard to policy CS16 of the Havant Borough Local Plan Core Strategy which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

11. The garages hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.

Reason: To ensure the retention of adequate on-site car parking and to discourage parking on the adjoining highway in the interests of highway safety and local amenity

and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

12. No development hereby permitted shall commence on each phase until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewerage disposal including proposed to serve the same, the treatment of existing water courses and ditches and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) for that phase have first been submitted to and approved in writing by the Local Planning Authority. No dwelling or building shall be occupied until completion of the implementation of its 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) which forms part of the Development Plan, and National Planning Policy Framework.

13. The development shall not be brought into use until a minimum of 3 parking spaces have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.

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 2012.

14. Code for Sustainable Homes –certification [wording to follow]

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

15. Construction of the buildings hereby permitted shall not commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have first been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To ensure that site levels are adequately addressed in the interests of the character and amenity of the area and of neighbours having due regard to policies CS16 of the Havant Borough Local Plan Core Strategy 2011 which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2011.

16. The development shall be carried out fully in accordance with the Tree Protection Plan and Arboricultural Impact Appraisal and Method Statement produced by Barrell Tree Consultancy.

Reason: To ensure that development does not significant harm the trees surrounding the site and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

17. Works to trees identified in Section 2.0 of the Ecological Scoping Appraisal: Addendum Relating to Bats (Environmental Project Consulting Group, November 2012) shall be carried out in accordance with the recommendations specified with respect to the trees identified in the report. Upon completion of the tree works, a brief sign off report shall be submitted to and approved writing by the Local Planning Authority.

Reason: To ensure that development does not adversely harm the wildlife on the site and having regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

18. The development shall be carried out fully in accordance with the Ecological Scoping Appraisal and Recommendations for Minimising Ecological Impact produced by the Environmental Consulting Group.

Reason: To ensure that development does not adversely harm the wildlife on the site and having regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

19. The dwellings hereby permitted shall not be occupied until the access and highway improvements to Redlands Lane have been carried out in accordance with details shown on Drawing No.111036/PO6 and prior to the occupation of the last dwelling to be occupied, surfacing with fine gravel shall be carried out in accordance with the Design and Access Statement 'Track Surfacing', submitted with the current application. A specification for the fine gravel shall first be submitted to and agreed in writing by the Local Planning Authority.

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 2012.

20. The development hereby permitted shall be carried out in accordance with the approved plans: [numbers/titles to be added]

Reason: - To ensure provision of a satisfactory development.

Appendices:

- (A) OS Plan
- (B) Site Plan
- (C) Access Plan
- (D) Streetscene Plan (from within the site)

Other documents relating to this application:

<http://tinyurl.com/od7mclt>

LOCATION PLAN



Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

tel 023 9247 4174 fax 023 9248 0263
www.havant.gov.uk



Havant
BOROUGH COUNCIL

Title:

APP/14/00064
Land rear of 38-40 Long Copse Lane
Emsworth

X = Objection
Not all shown on Plan

Drawn By:

Scale:

1:1250

Drawing No:

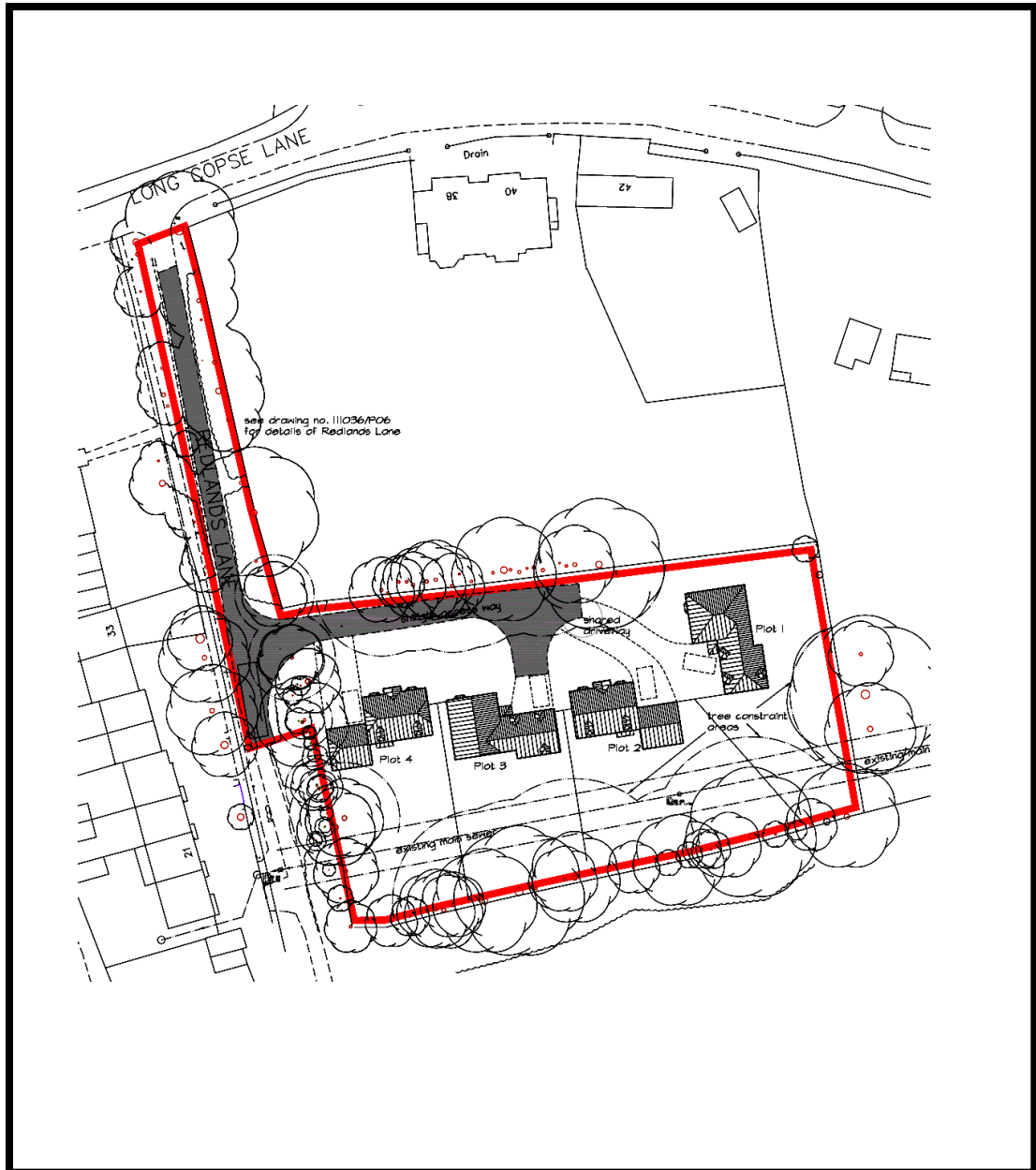
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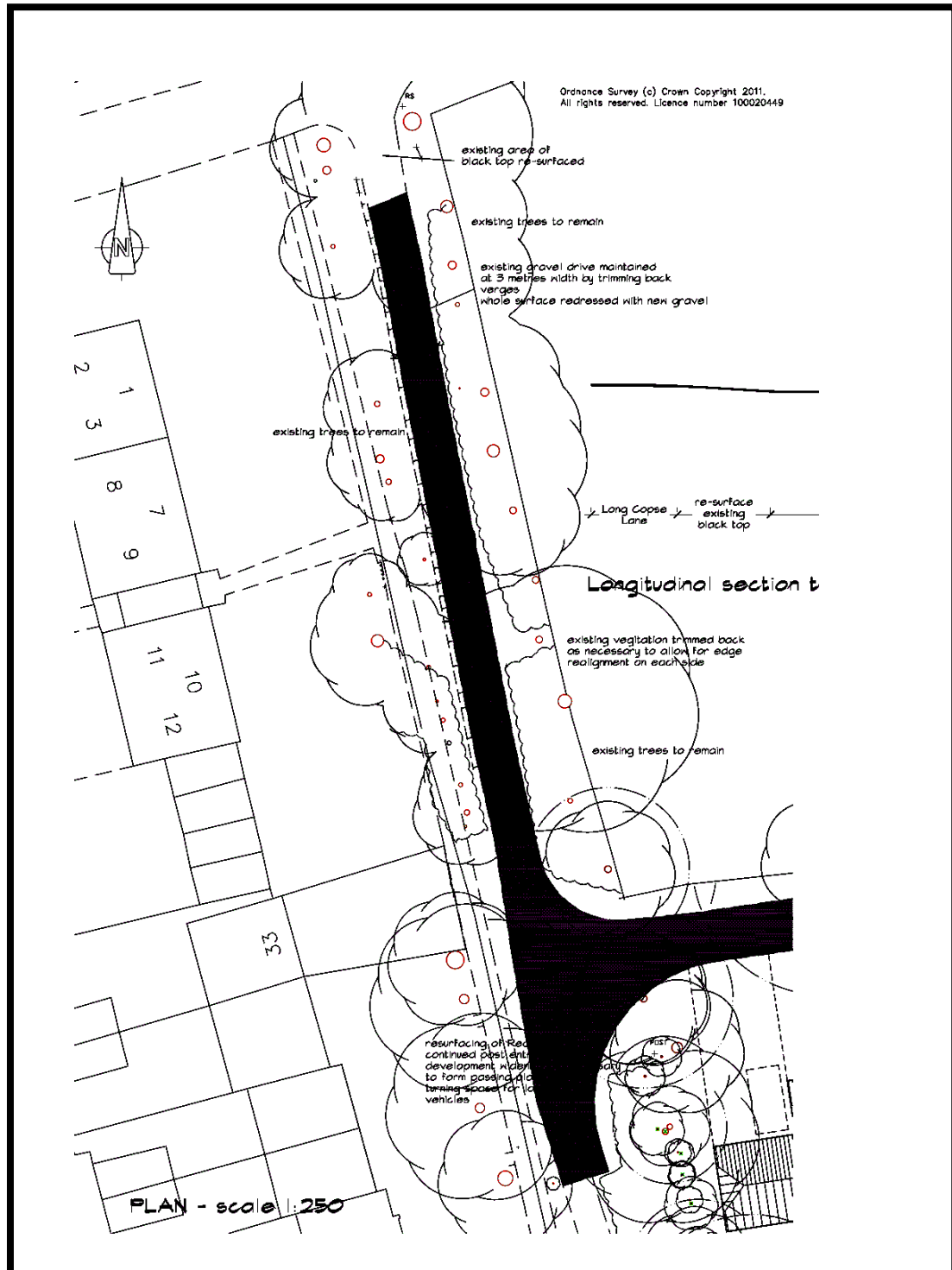
SITE PLAN

APPENDIX B



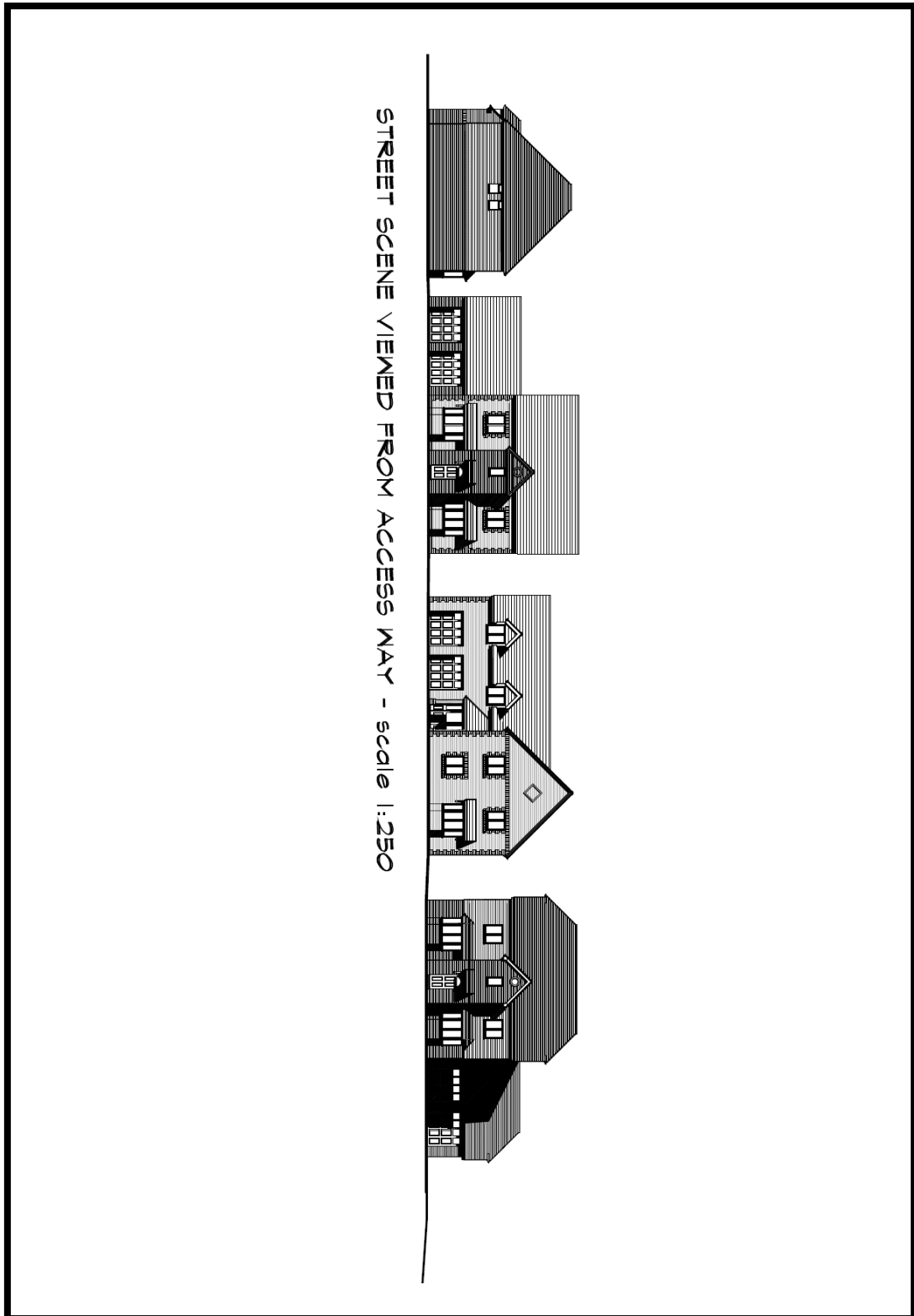
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ACCESS PLAN



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STREETSCENE PLAN



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