

crown's rad

ius by 1.5/2 metres and reduce the height by 2 metres of an Oak tree (T2) in the rear garden subject to TPO 1524, PERM,07/12/1998

97/50553/004 - Raise crown to 5 metres, remove lowest limb to west and remove all epicormic gro

wth: Oak tree overhanging 11 Kingsey Avenue (T1 of TPO 1395), PERM,23/04/1997

94/50553/003 - Raise to 8m & reduce by 20% thin by 30% and balance crown of Oak T2 - Raise to 5

m, reduce by 30% and thin by 20% crown of Oak T3 - both covered by TPO 1524., PERM,

92/50553/002 - Erection of car port to east elevation., PERM,

04/50553/007 - Application to crown reduce Oak T1 by 25% subject of TPO 1524., PERM,24/03/2004

06/50553/008 - Application for crown reduction of 15% to western section of the canopy of a Common Oak tree (T2) subject to TPO 1524. , PERM,03/10/2006

APP/13/00224 - Crown reduce 1No. Oak (T1) by 2m from top, north, south and west sectors and 2.5m from east sector to original points remove dead, crossing and epicormic branches; subject to TPO 1395., PERM,26/04/2013

APP/14/00537 - Crown reduce 2No. Oaks (T2, T3) by 1.5m back to previous pruning points, subject to TPO 1524, PERM,01/07/2014

APP/14/00865 - 4.5m Crown reduction to south west aspect and 2m crown reduction to height of 1No. Copper Beech tree , WD,22/08/2014

APP/21/00498 - Change of use from a holiday home for the Charing Cross Holiday Dialysis Trust to C3 dwellinghouse with ancillary annex (no internal alterations)., PERM,25/11/2021

APP/21/00774 - Erection of 4 No. 3bed. bungalows and Fell 3 No. 'U' Category TPO Trees, PERM,24/11/2021

3 Proposal

Variation of Condition 2 of Planning Permission APP/21/00774 to increase the parking area and changes to the existing access arrangements. Additional window to Plot 4 utility room.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H2	(Buildings of Local Historic Interest)
ENP_M1	(Cycle Storage Provision)
ENP_H1	(Design & Heritage)

ENP_D1 (General Design Policy)
ENP_L1 (General Housing Policy)
ENP_D2 (Height, Mass & Materials)
ENP_L2 (Housing Mix)
ENP_D3 (Layout, Form & Density)
ENP_D7 (Mitigate Light Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist - No Objection

There are a number of trees within and surrounding the site that could be affected by the proposals. Arboricultural information has been submitted with the application in which various protection measures have been specified to minimise the impact of this development on these trees during the construction process.

Recommendation:

I raise no objection to the proposals and if you are minded to permit the application, I would recommend that a suitably worded condition is imposed requiring the applicant to adhere to the protection measures detailed within the submitted document.

Conservation Officer - No Objection

I emailing further to a request for a consultation response for the above application from the Heritage team. This is because the property is a building of local historic interest.

I have reviewed the amended plans and am of the view that this will not result in harm to this non-designated heritage asset.

Councillor Julie Thain-Smith

No comment.

Councillor Lulu Bowerman

No comment.

Councillor R Kennett

No comment.

County Waste Management - No Comment

Highway Authority - No Objection

The Highway Authority wish to make the following comments.

It is noted that this is a revision to planning application APP/21/00774 with the site access location amended. The Highway Authority are satisfied with the amendments to the site access and the visibility splays provided by the applicant.

Having regard to the above, the Highway Authority provide no objections to the above

planning application subject to the following condition:

The boundary feature must be maintained in perpetuity to ensure that the visibility splay is clear at all times.

Reason: In the interest of highway safety

Natural England - No Objection

We note that a nitrogen budget has previously been approved under the permission (APP/21/00774) however this variation of condition application changes the layout of the site plan. The 'Amended Nutrient Budget Calculator' (dated 4th July 2022) and appropriate assessment have been updated in line with the layout change detailed in the revised site layout plan (May 2022) to ensure any potential changes to the land use change figures are reflected in the nitrogen budget assessment.

Therefore, as outlined in our previous response to APP/21/00774; your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Nutrient Team - Comment

I can confirm that there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the proposed development.

Property Management (formerly County Estates Department) Hampshire County Council - 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: 30

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Comes in the wake of the decimation of mature trees bordering Havant Road that were TPO'd leaves Havant Road poorer for tree cover. Not aware that there is anything wrong with this tree in the current proposal - see no reason for its removal. Traffic on the A259 through Emsworth is already excessive - disturbed that car takes precedence over trees that have taken so long to grow and mature Contribute to Havant Road as a road of special interest. Strongly object to the felling of another tree on this site.	Please see Section 7 below.

7 Planning Considerations

Appropriate Assessment

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant entered into legal a agreement to secure the mitigation packages, with the mitigation payments received.

The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages, with the mitigation

payments received.

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 area
- (iii) Impact upon residential amenity
- (iv) Access and Parking
- (v) Trees
- (vi) Drainage, Water Efficiency & Flooding
- (vii) Ecology
- (viii) Heritage.
- (ix) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

7.3 Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

7.4 As to conditions 7 (materials) and 10 (lighting) imposed on planning permission APP/21/00774 these were discharged on 9/12/21.

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

7.5 The proposed changes to Plot 4, which is to the rear of the site and comprises the addition of one small window to the south elevation, which would not result in any adverse impacts on the character and appearance of the development or the area. As to the alterations to the access, which would be centralised, this would not have a detrimental effect on the character and appearance of the locality, or the development. The change to the landscape would replace the proposed tree in plot 4, with an additional tree (i.e., London Plane) to the front western boundary, as shown on the Proposed Site Plan. This tree would be visible in the street scene, especially once matured, and therefore add to the amenity of the public realm.

(iii) Impact upon residential amenity

7.6 The proposed changes would not result in any adverse impacts on neighbouring properties.

(iv) Access and Parking

Access

7.7 The Highway Authority has been consulted over the changes to the access, which as stated above, are to be centralised, and has raises no objection. This is subject to a condition that ensures the visibility splay are maintained, in the interests of highway

safety. If permission is granted this condition is recommended.

Parking

- 7.8 When planning permission was granted under reference APP/21/00498 a total of 11 spaces were to be provided; two for each bungalow, with three visitor spaces. In addition, the host dwelling would have three car parking spaces to the front of the property, within a large existing surfaced area. There are no changes proposed for the parking to the rear. The increased hard surface to the front would facilitate further car parking, over and above the 3 required for the existing dwelling, as per Havant's Car Parking SPD. Having regard to the Arboricultural Officer's comments (see Section below) there are no objection in Arboricultural terms, in this location, to the additional parking.

(v) Trees

- 7.9 The planting scheme proposed would involve the loss of a further Category U tree in addition to the other 3 TPO Oak trees approved for removal pursuant to Planning Permission APP/21/00774. These trees would be replaced with 5 other trees within the site. The revised scheme would substitute a Sycamore tree originally proposed in plot 4 to the rear of the site, with an additional London Plane tree to the front boundary. This considered to provide a better public amenity.
- 7.10 A tree report has been submitted in support of the proposal. The Council's Arboricultural Officer was consulted over the application and has raised no objection, but recommends a condition that the various protection measures set out in the Report are adhered during the construction process. If permission is granted such a condition is recommended.

(vi) Drainage, Water Efficiency & Flooding

- 7.11 The impact on flooding, drainage and water efficiency was considered to be acceptable under permission APP/21/00774. Any further, drainage matters would fall under the auspices of Building Control.

(vii) Ecology

- 7.12 The impact on ecology was considered to be acceptable under permission APP/21/00774 and this variation would not affect that consideration.

(viii) Heritage

- 7.13 The Conservation Officer has been consulted over the amended scheme and has raised no objection, as the Officer is of the view "...this will not result in harm to this non-designated heritage asset. "

(ix) CIL

- 7.14 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in

the borough. The levy is charged at £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.

- 7.15 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in new internal floor space for the dwellings has been calculated by the agent as 510 sqm, which would be £75,589.29. Exemption is not being claimed.

8 Conclusion

- 8.1 The current proposal seeks to amend condition 2 applied to the original planning permission reference APP/21/00774 under a S73 application. The amendments are considered to be acceptable in planning terms and conditional planning permission is recommended.
- 8.2 Relevant conditions are required to be carried forward from the original permission; however as work has commenced in respect of the development there is no requirement to impose a time limit on the commencement of development.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00353 subject to the following conditions:

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

Plans and documents submitted in connection with this application

Proposed Site Plan - Drawing No. 21020 – 132 B
Location & Block Plan - Drawing No. 21020-130A
Proposed Site Plan - Drawing No. 21020-132A
Proposed Visibility Splays - Drawing No. 21020/416A
Plot 4 Design Plans - Drawing No. 21020-424A
Plot 4 Elevation Drawings - Drawing No. 21020-525A
Arboricultural Impact Appraisal & Preliminary Arboricultural Method Statement dated July 2021 and Tree Protection Plan
Tree Report by Fallen & Found Arboriculture dated 1/4/22
Tree Planting Scheme
Bat Roost Assessment, Phillips Ecology, September 2021
Heritage Report July 2021

Plans and documents approved as part of planning permission APP/21/00774 which this permission varies:

Proposed Site Sections 21020-514
Proposed Site Plan Dimensions, excluding access - 21020 - 410D
Proposed Parking to rear only 21020 -412A
Proposed Access Gates & Piers 21020 – 425
Proposed Services Plan - 21020 - 414D
Plot 1 Design Drawing Ground Floor & Roof Plan - 21020 - 421
Plot 1 Design Drawings Elevation Drawings - 21020 - 521
Plot 2 Design Drawing Ground Floor and Roof Plan 21020 - 422

Plot 2 Elevation Drawings - 21020 – 522
 Plot 3 Design Drawing Ground Floor & Roof Plan - 21020 - 423
 Plot 3 Elevation Drawings - 21020 – 523
 Approved Construction Management Plan – Drawing No. 21020 -415A
 Proposed Soft & Hard Landscaping - 411 for the development to the rear only
 Design & Access Statement July 2021
 Bat Roost Assessment, Phillips Ecology, September 2021
 Water calculations Plots 1, 2, 3 and 4.
 Heritage Report July 2021
 Schedule of Materials July 2021

Reason: - To ensure provision of a satisfactory development.

- 2 Development shall proceed in strict accordance with the ecological mitigation measures, including the ecological enhancements, detailed within the Bat Roost Assessment (Phillips Ecology, September 2021) unless otherwise agreed in writing by the Local Planning Authority. Four bird nesting swift boxes shall be installed on the dwellings hereby approved or four open front swift nest boxes within the site and thereafter maintained and retained on the dwellings or within the site.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), Policy CS 11 of the Havant Borough Core Strategy March 2011, and the National Planning Policy Framework.

- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, fences or other means of enclosure at the road junctions shall be set back to the sight lines shown on the approved drawing reference no 21020-416A and these visibility splays shall be kept free of obstruction at all times, prior to the occupation of the dwellings.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 4 The car parking, servicing and other vehicular access arrangements and cycle provision shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Throughout the site clearance and implementation of the development, the approved contractor's parking provision and storage areas shall be kept available and used only as such in accordance with the approved Construction Management Plan reference 21020-415A, as approved under planning permission reference APP/21/00774, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and in the interests of

traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 6 The soft landscaping works shown on the approved Tree Planting Scheme Plan, the Tree Protection Plan in the Fallen & Found Arboricultural Report, together with the soft and hard landscaping works shown on the approved Proposed Site Plan shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 7 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures shall be carried out, including fencing and ground protection, as shown on the approved Arboricultural Impact Appraisal & Preliminary Arboricultural Method Statement dated July 2021 and Tree Protection Plan and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B and E Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of neighbours and parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus

in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.