

Recommendation: GRANT APPROVAL OF RESERVED MATTERS

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough design Guide SPD 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency:

No objection unless the requirements of condition 4 are not accorded with; in that the main building must not be within 8m of the Lymbourne Stream. The EA are also satisfied with the revised storm drainage scheme submitted on the 15/12 that has a direct out flow into Lymbourne Stream.

Ramblers Association:

No comments

Open Space Society:

No comments

Public Spaces Development Manager:

No comments

Southern Water:

No objection to the discharge of conditions. Approval for connection with foul sewer will be required. There must be no tree planting within 3m of the public sewer.

Comment - Informative to be included to this regard

Building Control:

No comments in relation to BC regs. Storm discharge pipe to be fitted with a non return valve. (conditions 3(a))

Comment - This is shown on submitted site layout plan

Arboriculturalist:

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

Minimal tree removal is required – The trees proposed for removal (T1 and T40) are of low value and grading and most could have been removed for sound arboricultural reasons regardless of any redevelopment proposals.

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

Therefore, the condition has been met for tree protection and a TPO is not considered to be appropriate. (conditions 10 and 14)

Drainage Engineer:

The revised plans submitted on the 15 December are acceptable and propose a direct outflow into the stream for storm water. (conditions 9)

Development Engineer:

No objection (conditions 3(a), 7 and 8)

Landscape

No comments - satisfied that the conditions in relation to landscaping can be discharged (conditions 3(c), 12 and 8)

Waster Operations

No concerns regarding waste collection

Consultant Ecologist:

The findings and proposed measures of the submitted Phase 1 Ecological Survey is acceptable.(conditions 15 and 16)

Comment - the report and recommendations must be included within the approved plans to ensure adherence (conditions 15 and 16)

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: 14

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

(a) The house is of excessive size and is overly tall and as such is not in keeping with the locality and will have a detrimental impact of the amenities of the neighbours and the environment.

(b) The house will be overbearing and overlook users of the Hayling Billy trail

(c) Concerns that the garage may be converted to living accommodation

(d) There is no legal right of way to North Close and Wade Court Road. *The applicant has completed the ownership certificate and red line plan to the adjacent highway.*

(e) No.3 South Close were not consulted at outline stage. *Officer checked the records and this property was sent a letter at outline stage*

(f) Impact on No.3 South Close - siting of dwelling and patio area within the plot will affect daylight, privacy,outlook and will be overbearing. A number of rooms including the lounge, bedroom and kitchen look out over the application site.

(g) The development will lead to loss of on site trees

(h) Site clearance has been undertaken prior to the submission of reserved matters. *Noted, however it is not considered expedient to take action to this regard if the proposals submitted are acceptable, (see section 7)*

(i) The existing bridge is not adequate for emergency vehicles, concerns that a new

bridge will be constructed and how it will impact the stream - *The applicant intends to strengthen the existing bridge and therefore this is a building control consideration*

(j) A condition should be applied to require planting with native shrubs to the eastern boundary to reduce overlooking.

(k) The outline conditions require that the building shall not be within 8m of the Lymbourne Stream and the patio is within 8m. *The EA has raised no objection in principle to the reserved matters application and the condition clearly states that dwelling shall not be sited with 8m of the stream so as to allow safe access for maintenance of the watercourse and to safeguard the conveyance and storage of flood flows.. As such the scheme accords with the condition.*

(l) Hours of construction condition should be varied so as not to allow working on a Saturday. *This is a standard condition and variation is not within the remit of this current application*

(m) Problems with drainage in area, concerns that the existing drain is not sufficient for such a large property. *Southern Water have raised no objection to the scheme but just advise that consent is required from them when the applicant needs to connect to the sewerage system.*

(n) Concerns that surface water will run into stream during construction. *The surface water post construction is proposed to flow direct into the stream which is acceptable to the drainage engineer and EA. However, this does not cover construction and any pollutants in the stream will be a habitats regulations offence, not a planning matter.*

(o) Finished floor levels are not clear from the plans submitted - A revised plan was submitted on the 15 Dec with regard to discharging the FFL conditions and Drainage condition. No further neighbour consultation is necessary as this plan concerns discharge of condition information changes only.

(p) Concerns that no waste water or damage to the bank of the stream should arise. *The bank is outside of the application site and so if damage is caused it will be a civil matter with the neighbour and possibly a criminal matter for the EA to pursue if pollutants other than storm water are discharged into the stream.*

(q) Concerns with regard to external lighting. *It is considered that the distance of separation between the two dwellings and the limit of 150w is acceptable in terms of the lighting. the consultant ecologist raised no concern to this regard*

(r) Impact on natural habitats - *The consultant Ecologist is satisfied with the submitted plans and ecology report.*

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) Effect on neighbouring properties
- (iv) Effect on the character and appearance of the area
- (v) Highway implications
- (vi) Impact on trees and ecology
- (vii) Discharge of conditions

(i) Principle of development

7.2 The site lies within the urban area as identified by the Local Plan (Core Strategy) therefore the proposed additional dwelling complies with policy CS17 which states

that new development should be concentrated in urban areas. The proposed residential development was considered to be acceptable in principle by outline consent APP/15/01147, subject to detailed development management criteria below which takes into account the nature of the site.

(ii) Nature of the development

- 7.3 The proposal is for Reserved Matters and condition discharge. In terms of the potential siting of the dwelling, the site is constrained by trees which are important to protect and retain in order to preserve the character of the area and the site also adjoins the Lymbourne Stream, and again this posed constraints in terms of the siting of the dwelling given the Environment Agency's recommendations. However, the submitted plans demonstrate that the minimum of 8m from the dwelling to the stream is achievable. It is noted that the site is of a low density and there is a drive to increases densities within urban boundaries. In this case it is considered given the constraints of this site (that include a 6m sewer easement running centrally though the site), and the low density character of the surrounding area, that a single dwelling and detached garage does not constitute under development of a site of this size and that the low density is acceptable in this instance.

(iii) Effect on neighbouring properties

- 7.4 The properties in Lower Grove Road to the west of the site would be separated by over 30 metres and there are no windows proposed within the first floor western side elevation. There is also a dismantled railway, now the Hayling Billy Trail, between the site and the neighbouring properties to the west which also provides a 'buffer'. The dwelling to the north, No.7 North Close is over 70m away from the proposed dwelling and over 50m from the detached garage and this boundary is well screened. The Emsworth bypass bounds the site to the south.
- 7.5 The closest dwelling to the east of the site will be No.3 South Close and there is a 31-33 m distance of separation between this dwelling and the proposed dwelling. It is not considered that a reason for refusal could be substantiated with regard to the impact of the height and scale of this dwelling on the amenities of the occupiers of this property given this level of separation. It is acknowledged that the boundary is very open between the two dwellings but that the separation distance ameliorates and makes acceptable any impact of overlooking. In this regard the Design Guide SPD requires a minimum of 20m back to back distance is maintained, whereas this site maintains a 31-33m distance rear to side. There is a first floor window within the eastern side elevation of the proposed dwelling and the Case Officer has requested that the applicant seek to obscurely glaze this window but they have declined. However, it is not considered that there is justification to refuse the application on this matter as the proposal accords with the requirement of the Design Guide SPD as submitted. The owner of No.3 could at a later date choose to strengthen boundary screening on their side of the stream should they so wish.
- 7.6 Therefore, it is considered that an acceptable relationship between the proposed and existing properties has been achieved and that the scheme accords with the requirements of adopted Core Strategy policy CS16 and the Borough Design Guide SPD

(iv) Effect on the character and appearance of the area

- 7.7 The properties within North Close are set within relatively large plots which creates a

sense of spaciousness. There is also significant soft landscaping and a large number of mature trees in the vicinity which creates a verdant character.

- 7.8 The proposed dwelling would be set within a large plot, therefore retaining the spacious character of the area. It is considered that the siting of a dwelling and garage in the proposed plot of land would be in keeping with the character and appearance of the area, and the majority of the tree cover on the site need not be adversely affected by the development. It is not considered that this single chalet style dwelling house and ancillary garage building would create an unacceptable overbearing impact on the amenities of the users of the adjacent Hayling Billy Trail due to the width of the Public Right of Way at this point.

(v) Highway implications

- 7.8 The access to the site would be taken from North Close over an existing track and bridge and it is considered that this access is acceptable and that the parking provision on site is adequate.

(vi) Impact on trees and ecology

- 7.9 The Council's Tree Officer is satisfied with the submitted tree report and the method/location of protection fencing.
- 7.10 The Environment Agency response requested at outline stage that an adequate buffer is provided to the Lymbourne Stream which runs along the eastern boundary of the site and that the building is not sited within 8m of the stream. They are also satisfied, along with the Council's Drainage Engineer that the storm water can be drained directly into the Lymbourne Stream as detailed on the revised plans. This is preferable to the previously proposed soak away proposal. With regard to other protected species/habitat, the Council's consultant ecologist finds the submitted ecology report information acceptable and advises that it should be included in the approved plans list.

(vi) Developer contributions applicable

- 7.11 This development is not CIL liable as a S106 agreement was entered into at outline stage that required HCC contribution requirements. The sum required will be for a 4+ bed unit. The dwelling is shown on submitted floorplan as a three bedroom dwelling but the upstairs study is over 5sqm and, as such, it is considered as a bedroom in line with the requirements of the Residential Car Parking Standards SPD. The agent to the application has been made aware of this obligation.
- 7.12 With regard to ecological concerns, this development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. However this payment only applies to new applications permitted on and after the 30 June 2014 and as outline consent was granted on 31 July 2014 no payment to the Solent Recreation Mitigation Partnership is due.

(vii) Discharge of conditions

- 7.13 The consultees, whose responses have been summarised above, have raised no objection to the information submitted, (the information as listed in suggested plans

condition below). The Case Officer considers that the information submitted for those conditions not listed within the consultee section of this report, these being conditions 3(b), 11, 13 and 15 is also acceptable and agrees with the conclusions of the consultees for all other conditions. The details hereby recommended for approval are considered to be in accordance with the relevant adopted policies of the Council, in particular the policies contained within the Havant Borough Local Plan (Core Strategy) 2011.

8 Conclusion

- 8.1 The submitted details are considered acceptable and meet the requirements of all of the detailed matters reserved under Condition 3 of Outline Permission APP/13/00039; and conditions 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16. Additional conditions as listed below should be applied to any consent.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT APPROVAL OF RESERVED MATTERS** for application APP/15/01147 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsary Purchase Act 2004.
- 2 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order no extension, additional hardstanding, building or means of enclosure shall be constructed within 8m of the Lymbourne Stream which runs adjacent to the eastern curtilage of the site without the prior approval of the Local Planning Authority.
Reason: To safeguard the amenities of the natural environment and having due regard to policies CS16, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The garage hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation.
Reason: The garage is not a satisfactory position to be occupied separately from the main dwelling and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Layout Plan drwg.no 15012/402 rev H received 15 December 2015
Proposed New Dwelling Elevations and Floorplans drwg.no 15012/401 rev received 9 October 2015

Proposed Garage drwg.no 15012/403 rev A received 30 October 2015
Site Set Up Plan drwg.no 15012/102 received 16 October 2015
Ecological Survey prepared by David Leach Ecology LTD received 16 October 2015

Arboricultural Method Statement prepared by James Fuller Arboriculture received 9 October 2015

Covering letter dated 8 October 2015 with regard to the following hard landscaping and construction materials;

- Facing Brick - Weinerberger Terca Bricks - Amberley Red Multi
- Cladding - LP SmartSide cladding - Yellowstone
- Roof Tiles - Redland Rosemary Plain Tiles - Medium Mixed Brindle
- Windows/doors - UPVC Light Oak
- Front drive - Marshall Driveline 50
- Paving - Global Stone Paving Riven Sandstone - Gold Leaf
- Gravel areas to match existing drive

Reason: - To ensure provision of a satisfactory development.