Site Address:	Land adjacent to 20 Elm Close Estate, Hayling Island, PO11 9AT		
Proposal:	Change of use of public pathway to incorporate within garden of 20 Elm Close Estate.		
Application No:	APP/16/00581	Expiry Date:	05/08/2016
Applicant:	Mrs S Noyce		
Agent:		Case Officer:	Bee Crawford
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

1.1 The application site is a strip of land (formerly a public pathway) which lies between 19 and 20 Elm Close Estate. The land has previously provided part of a pedestrian link between Hollow Lane and Elm Close Estate but the path is not adopted nor a public right of way.

2 Planning History

None relevant to this application.

3 Proposal

Change of use of public pathway to incorporate within garden of 20 Elm Close Estate.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Southern Water
No new development or new tree planting should be located within 3 metres either side of the centre line of Southern Water public gravity sewers, rising mains or water mains without prior approvl from Southern Water. All existing infrastructure should be protected during the course of construction works.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site. The applicant is advised to discuss the matter

further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or at www.southernwater.co.uk.

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: 6

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of support was received from one address.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Principle of development
(ii) Impact upon the streetscene
(iii) Impact upon residental amenity

(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.

(ii) Impact on the streetscene

7.3 The enclosure of the land within the boundary of number 20 Elm Close Estate is visually consistent with the treatment of nearby property frontages and is considered to be acceptable, meeting the requirements of policy CS16 of the HBLP (Core Strategy). It is therefore judged there would be no adverse impact on the existing streetscene or the visual amenity of the locality.

(iii) Impact on residential amenity

7.4 The enclosure of amenity land and associated closure of this path would hypothetically reduce the links between nearby roads and as a result those on foot must travel further, and therefore an associated loss of amenity. However, the southern section of the pathway accessed from Hollow Lane was incorporated within the garden of 61 Hollow Lane under planning permission APP/14/01094, consequently the remaining strip of land is no longer an operational pathway between Hollow Lane and Elm Close Estate.

7.5 Part of the path consists of tarmac, but the other section is very overgrown and now physically inaccessible. A letter was received from the adjoining neighbour at number 19 Elm Close Estate in support of the application as it would result in the land being

appropriately maintained.

7.6 It is therefore considered that the proposal would have negligible impact on the properties immediately adjacent to the application site or the properties to the rear, meeting the requirements of policy CS16 of the HBLP (Core Strategy). It is noted no objections were received regarding the scheme.

8 Conclusion

8.1 The proposal is considered to be acceptable and recommended for approval.

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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00581 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 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan
Block plan
Plan indicating extent of pathway
Reason: - To ensure provision of a satisfactory development.