

Recommendation: **GRANT PERMISSION**

APP/13/00339 - Variation of Condition 9 of Listed Building Consent APP/12/00761 to allow occupation of up to 15 dwellings before works to the north east elevation have been completed., PERM,22/05/2013

3 Proposal

Provision of new polycarbonate glazed canopies to front and lounge entrances.
Provision of 2No new polycarbonate glazed scooter shelters within front entrance yard. Creation of new car park to rear of site with bollard lighting (part retrospective).

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)
CS7	()
DM11	(Planning for More Sustainable Travel)
DM7	(Elderly and Specialist Housing Provision)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

H5*	(Retirement and specialist housing)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Having visited this site during the construction of the car park area I dispute the findings of the Arboricultural Consultant in that works have taken place outside of the RPA of the Limes.

When I was on site, I observed a trenched area and exposed fibrous and some secondary rooting.

What I do agree with is that the removal of the car parking area would cause further trauma to the rooting area and I would not recommend this action.

If retrospective planning is approved, then a condition should be applied whereby if the trees move into decline within the next 10 years (this can be an indicator of root damage) then the trees are replaced with semi - mature trees by the owners of the site.

Arb statement has been requested and no objection upheld by Arb Officer subject to condition requested above .

Conservation Officer

The proposed works to the building will not have any impact on the nearby heritage asset. The car park area is clearly separated from the setting of the heritage asset by a close boarded fence. The proposed works within this area are therefore unlikely to result in any harm to the significance of this asset as they will be contained within the fenced area and would not result in any above ground development.

Conclusion – No Objection

Councillor Gwen Robinson

No comment

Councillor Mike Seal

No comment

Councillor Peter Wade

No comment

Hampshire Highways

The applicant is seeking to construct a new 9 space car park to the south of Abbess Way. While it is noted that Villa Gardens and Abbess Way do not form part of the adopted highway, the Highway Authority have reviewed the plans and note that space number 9 is located close to the junction with Abbess Way. Manoeuvres in and out of the bay are likely to be tight, unless the applicant can demonstrate with vehicle tracking that a car turning right from Abbess Way can park with ease. Alternatively, the applicant should consider moving the car park slightly to the south, easing the turning radius for cars entering spaces 8 and 9.

The applicant should provide further information to address the points raised above before the Highway Authority makes a formal recommendation.

Further Comments:

The applicant has provided further information which confirms that there is no access into Villa Gardens from Abbess Way; there is a fence which prevents vehicular access. Notwithstanding the above, the tracking of a car egressing parking bay 9 will be tight, even more so with the fence preventing access onto Abbess Way. No vehicle tracking has been provided to-date to demonstrate this manoeuvre can be undertaken. Whilst it is noted that the surrounding roads are private and therefore not adopted, the Highway Authority advises that this information is supplied.

Case Officer comment : Whilst a tracking diagram has not been provided, the applicant has increased the size of space 9 allowing for increased manoeuvrability .

Further comment from Hampshire Highways :

Providing further space to the north would aid the turning manoeuvre into the bay. Depending on the extent of the widening, I'd be a little wary of two cars trying to squeeze into the space but this shouldn't be an issue. In the absence of a tracking drawing, I would consider this solution a reasonable compromise.

Ecology

I would not raise any concerns in relation to ecological matters.
If you have any queries please don't hesitate to contact me.

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: 78

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I write in connection with the retrospective car park element of this permission . We are still angry that the TPO Lime trees have been compromised by this development as we have seen die back during the summer for the first time since we moved in seven years ago. Also, as part of the works the contractors have installed very bright low level lighting which shines into our bedroom windows with an intensity which requires us to put sheets of cardboard behind the (lined) curtains to stop light ingress. Not only that but the planning permission for our development required 'bat boxes to be installed in our wall facing the car park development some years later a lady came and sat out from dusk until full darkness to see what happened to them. Initially there appeared to be quite a colony flying around which has diminished due to the lighting on our development and these additional lights can only exacerbate their demise. We would like, as a minimum , for the planning permission to require the developer to provide lamps of a wattage which ensures safety, but without flooding the upper side of our house with light. Further comment : Measures have now been undertaken which have improved the light pollution.	Comments noted, please see 'Planning Considerations' section of the 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) Impact upon the character and appearance of the area and nearby listed building
- (iii) Impact upon residential amenity
- (iv) Trees
- (v) Highways

(i) Principle of development

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

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

(ii) Impact upon the character and appearance of the area and nearby Listed Building

7.2 This proposal comprises various alterations to the residential building and car park. The front elevation is sited on the North West elevation where the main entrance is located opposite Laurel Court. Alterations include changes to the main entrance doorway which currently comprises a singular door, due to be changed to double opening doors with an enclosed canopy with a depth of approximately 2 metres beyond the existing canopy. A scooter store is also proposed adjacent to the front entrance. The stores would comprise timber clad storage units for secure lock up. A canopy is proposed above the entrance to the side elevation (south west elevation). To the north east elevation would be another scooter store, adjacent to the grass area next to St Peters Way, these will be accompanied by a tarmac resurfacing of the hardstanding area. Other alterations (retrospective) include a car park to the south east of the site, where Villa Gardens meets Abbess Way. This would provide 9 parking spaces and would be constructed from permeable brick paving alongside bollard lighting. The proposals are judged to be acceptable in terms of the impact on the character of the building and the surrounding area.

To the east of the site (and north of the retrospective car parking area) is the Sacred Heart Church which is a Grade II listed building. The Council's Heritage Officer has been consulted in this regard and has no objection to uphold to the proposals noting the distinct separation between the sites. The setting of the Listed Building will therefore be preserved.

- 7.3 The proposals as detailed above are judged to be acceptable in terms of impact on the host building and surrounding area. The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.4 The proposals are not deemed to result in any harm to neighbour amenity. It is noted that the bollard lights in the car park area may result in harmful light pollution although this may have improved since this application was first submitted. Despite this, a condition allowing for mitigation of light over spill will be applied to this permission to result in a permanent solution to this issue.
- 7.5 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Trees

- 7.6 In order to construct the car park , which has already been completed, 3 non TPO trees were felled. There are 2 TPO Lime trees within very close proximity of the car park . Havant Borough Council's Arboricultural Officer has been consulted due to the proximity to the trees and has expressed some concern in relation to potential harm to the trees. Despite this, as the works have commenced without planning permission in the first instance, any damage to the trees has already occurred and the Arboricultural Officer has stated that any further work seeking to remove works already carried out could cause further damage to the trees. An Arboricultural Impact Assessment has been provided by the applicant and this has been reviewed by the Arboricultural Officer who has not objected for the reasons above. A condition will be applied to this permission stating that should any of the trees show signs of decline within the next 10 years, these must be replaced .

(v) Highways

- 7.7 The proposed car parking area (retrospective) is sited towards the east of the site and is accessed via Villa Gardens. Access to Abbess Way is blocked off. The Highways Officer has been consulted in regards to this proposal and initially had concerns in relation to the use of space 9 . The plans have since been revised resulting in an enlarged space 9 , allowing for a larger space to manoeuvre . Following provision of this no objection is raised by the Highways Officer.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and the locality and is therefore considered to be appropriate and recommended for approval.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00855 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 Compulsory Purchase Act 2004.

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

Drawing No.118 Proposed Parking Lighting Layout
Additional information LED bollard spec
Arboricultural additional impact letter dated 1st March 2021 uploaded on the 02.03.2021
Drawing No. 100 REV A Block plan
Drawing No. 001 Rev A Location plan uploaded on the 22.10.2020
Drawing No. 113 REV A Proposed first floor plan
Drawing No. 123 REV A Proposed NW and SW elevations
Drawing No. 1-01 Canopy layout and section details
Drawing No. 2-01 Canopy layout and section details
Drawing No. 124 Proposed NE and SE elevations
Scooter shelter details uploaded on the 05.10.2020
Arboricultural Impact report dated 07.09.2020 uploaded on the 05.10.2020

Reason: To ensure provision of a satisfactory development.

- 3 Within 3 months of the date of this permission details of measures to prevent light pollution from the car park lighting shall be submitted to the Local Planning Authority. The mitigation measures shall be installed / operated and maintained in accordance with the approved scheme within 6 months of this permission and no other lighting shall be installed or operated in the parking area.

Reason: To prevent light pollution and in the interests of ecology and the amenity of the area and neighbouring properties in accordance with policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 Should either of the Lime trees subject to Tree Preservation Orders located to the south and east of the car park which forms part of this permission move into decline within the next 10 years of the date of this permission they shall be replaced with semi mature trees of the same species by the owner of the site in a position to be approved in writing by the Local Planning Authority.

Reason: To safeguard the presence of important trees and protect the amenities of the locality having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.