
Site Address:	7 North Close, Havant, PO9 2TE		
Proposal:	New dwelling and garage.		
Application No:	APP/16/00988	Expiry Date:	23/11/2016
Applicant:	Mr F Askew		
Agent:	Mr M Wilkes	Case Officer:	Heather Lealan
	M2 Architecture		
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 North Close is a residential cul-de-sac located within the St Faiths ward. The cul-de-sac is characterised by regularly spaced, detached and semi-detached dwellings set within generously proportioned plots.
- 1.2 No. 7 North Close is a detached property located at the end of the cul-de-sac. The property benefits from a large garden measuring approximately 130m (north to south). Running along the eastern boundary of the site is a section of Lymbourne River.
- 1.3 The land to the south of the site is currently laid to lawn and contains a number of trees (in particular within the southern section of the site). There is currently a private road which provides vehicular access from North Close across a bridge, to the site.

2 Planning History

96/59522/002 - Conservatory to south elevation, PERM,06/08/1996

94/59522/000 - Single storey conservatory to the side of the house., PERM,

APP/12/00646 - Construction of garage and garden store, PERM,31/08/2012

APP/13/00039 - Outline Application for erection of 1No. two storey dwelling with all matters reserved, PERM,31/07/2013

APP/15/01192 - Outline Application for erection of 1No. two storey dwelling with all matters reserved. Request to Discharge of Condition No's. 7,8,9,10,11,12,13,14,15, and 16 of Planning Permission APP/13/00039 (15.01.13), UNK,

APP/15/01147 - Reserved Matters application for the erection of 1No. two storey dwelling for access, appearance, landscaping, layout and scale following Outline Permission APP/13/00039 together with Discharge of Conditions 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 relating to the outline permission., PERM,18/12/2015

3 Proposal

This application is for the erection of a new two storey dwelling and garage. This scheme is very similar to the previous scheme approved at reserved matters stage, the main change is the reduction in width of the dwelling by 600mm to the west reducing the footprint. Further changes to the scheme approved include the additional

of a new dormer to rear of the proposed dwelling, changes to the position of fenestration and the orientation of the garage, such that it faces south towards the dwelling house.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

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 Local Plan (Allocations) July 2014

DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency

The Environment Agency has no objection in principle to the proposed development as submitted; however, we request that the following planning condition(s) be attached to any planning permission granted in order to make the development acceptable.

Planning Condition(s):

Condition The building must not be within 8m of the Lymbourne Stream which is a designated main river

Reason An 8m buffer is required between the development and the watercourse to:

- allow safe access for maintenance of the watercourse
- safeguard the conveyance and storage of flood flows

This condition is in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood

Officer comment - The building must be constructed in accordance with the submitted plans that show it is over 8 metres away from the stream. It should be conditioned that pd rights are removed for new extensions/buildings within 8 metres of the river. The site is in a flood zone 1 and as such a sequential test is not required. It is adjacent to a river but the proposal now submitted is in accordance with the already permitted and there is currently no river flood map for this are. The planning statement confirms the FFL is approx 300mm above existing ground level

Open Space Society

No comments

Countryside Access Team

No comments

Building Control

Public sewer crosses the site between the new dwelling and garage. Consult SWS sewer appears more than 3m away but drainage shown on maps is not always accurate.

Access to the site must comply with Approved Document B, Section 5 regarding width/tree clearance/load capacity of road. This includes turning facilities.

Home office/study does not appear to have opening windows- inadequate means of escape provided. Should comply with Approved Document B.

Solid waste storage not indicated on plan. Should comply with Approved Document H.

Foundation design will need to take into account trees and ground conditions.

Southern Water

Request details of connection to sewerage system and advises the sewer crosses the site

Officer Comment - An informative should be included to this regard

Tree Officer

As per previous comments for approved reserve matters application;

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.

County Ecologist

The application is accompanied by the previously-submitted Phase 1 Ecological Survey (David Leach Ecology Ltd, September 2015) which provides a basic assessment of the application site and its ecological constraints. The site comprises a typical suburban plot containing managed lawns, ornamental plantings and boundary trees and shrubs and is of limited ecological value overall. The key feature is perhaps the small stream running along the eastern boundary.

The site is considered to offer limited potential for supporting legally-protected species although any areas of denser woody vegetation are likely to provide opportunities for small numbers of nesting bird species. In addition, the ecology report suggests that the boundaries support trees with bat roosting potential and recommends that any trees to be felled are assessed individually for their potential to support bats. I note from the submitted updated arboricultural assessment (James Fuller Arboriculture, September 2016) that there are no trees to be removed to facilitate the development.

If you are minded to grant permission can I suggest that all ecological mitigation and enhancement measures are secured by condition.

Waste Strategy Team Leader

No comments

Landscape Team

No objection

Hampshire Constabulary

No comments

Engineering/Drainage, Havant Council

Suggestion to locate surface water drainage connection to the river (which will need EA consent) to the south of the bridge to reduce the possibility of being affected by any backing up/blockage at the bridge.

Officer Comment - Details of the drainage should be conditioned as notwithstanding submitted plans to allow changes as necessary to the drainage scheme and details of capacity refer also to point (t) of neighbour responses.

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: One

Statutory advertisement: 07/10/2016

Number of representations received: 2

Summary: Neighbour objection letter requests that all points made in previous correspondence be brought forward and includes new comments as follows;

(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 on 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. The site is not screened by existing trees.

(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 now approved 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 an environmental health matter*

(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.*

(s) The Council should ensure that the bank is protected by fencing to prevent collapse during construction and the height of the bank should be build up to prevent flooding *The conditions applied are sufficient to protect the bank and so consultee response has required the raising of the bank, (including the EA)*

(t) The engineer's comments on surface water drainage make no sense. We assume that he has not seen the site because if he had he would realise that there is no likelihood of backing up/blocking at the bridge ,whereas running the surface water drain south of it could encroach on the part of the stream owned by Mrs. Herbert-Smith. Surface water should go into a soakaway in accordance with condition 9 of the outline consent. *It is considered necessary to require details of the drainage to be submitted to allow opportunity for our drainage engineer to consider a more detailed scheme that includes capacities.*

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 development
- (iii) Impact upon residential amenity
- (iv) Effect on the character and appearance of the area

- (v) Highway Implications
- (vi) Impact on trees, drainage and ecology
- (vii) Developers contributions applicable

(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 and subsequent reserved matters consents; APP/15/01147 and APP/15/01147

(ii) Nature of the development

- 7.3 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 increase 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) Impact on Residential Amenity

- 7.4 The properties in Lower Grove Road to the west of the site would be separated by over 30 metres. 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 requested that the applicant seek to obscurely glaze this window during the course of the previous application submissions but they 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

- 7.9 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, drainage and ecology

- 7.10 The Council's Tree Officer was satisfied with the submitted tree report and the method/location of protection fencing.
- 7.11 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 plans. This is preferable to the previously proposed soak away proposal at outline/ reserve matters stage in 2015. It is considered appropriate however to condition that details of the drainage should be approved notwithstanding submitted plans; to allow changes as necessary to the drainage scheme and details of capacity to be considered, (also refer also to point (t) of neighbour responses).
- 7.12 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.

(vii) Developers contributions applicable

- 7.13 The Solent Recreation Mitigation Project payment has been received along with the required signed agreement. The applicant has completed a CIL self build exemption form.

8 Conclusion

- 8.1 The submitted details are considered acceptable and should be permitted subject to the conditions listed.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00988 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 Notwithstanding the submitted plans no development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such 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) 2011 and the National Planning Policy Framework 2012.
- 3 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.
- 4 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.

- 5 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Phase 1 Ecological Survey (David Leach Ecology Ltd, October 2016) unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 6 No development including site clearance shall commence on the site until all trees, shrubs and other natural features, not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing along a line to be agreed in writing with the Local Planning Authority. Such fencing shall conform to the following specification in accordance with BS5837 2005.

Minimum 2.4 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting a minimum of 20mm exterior grade ply.

Such fencing shall be maintained throughout the course of the works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity 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.

- 7 The development shall be carried in strict accordance with the agreed Arboricultural Method Statement and Tree Protection Plan received 13/10/2016.

Reason: To protect the nearby trees and having due regard to policy DM8 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 20

- 8 The dwelling shall not be occupied until the relevant recommendations of the Noise Impact Assessment reference J01229 dated Monday 5 November 2012 have been implemented in relation to it, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of the proposed dwellings and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:
Planning statement (Job No. 15012)- received 23rd September 2016
Noise impact assessment (J01229)- received 23rd September 2016
Location plan (Drawing No. 101)- received 23rd September 2016
Block plan and Site Set up (Drawing No.102)- received 23rd September 2016
Proposed garage elevations and layout plan (Drawing No. 403 rev A)-
received 23rd September 2016
Site layout plan (Drawing No. 402 rev J)- received 23rd September 2016
Proposed new dwelling elevations and layout plan (Drawing No. 401 rev L)-
received 23rd September 2016
Amended ecology report- received 13th October 2016
Amended Arboricultural Method Statement- received 13th October 2016
Reason: - To ensure provision of a satisfactory development.