

04/62243/004

Erection of a 3 bed dwelling with an attached double garage utilising the existing access to New Brighton Road. Withdrawn 24/01/2005.

05/62243/005

Erection of a detached 3 bed dwelling with associated car parking utilising the existing access to New Brighton Road. Refused 24/05/2005. Dismissed at appeal 02/11/2005.

05/62243/006

Erection of a detached 4 bed dwelling and a detached double garage utilising the existing access to New Brighton Road. Refused 24/05/2005. Dismissed at appeal 02/11/2005.

07/62243/007

Construction of 1No. detached 4 bed house. (Revised application.) Permission 07/06/2007

07/62243/008

Construction of 1No. detached 4 bed house and detached garage. (Revised application.) Permitted 07/06/2007

07/62243/009

Formal landscaping scheme pursuant to condition 3 of planning permission 04/62243/003. Permitted 27/04/2010.

APP/12/01588

Variation of Condition 12 of Planning Permission No. 04/62243/003 for use of garage as ancillary living accommodation to used as gym/sauna. Withdrawn

APP/11/01588 - Variation of Condition 12 of Planning Permission No. 04/62243/003 for use of garage as ancillary living accommodation to used as gym/sauna. , WD,10/12/2012

APP/12/01194 - Change of use and conversion of dwelling to allow 4 bed Bed and Breakfast guest accommodation to operate, with remaining rooms to remain in residential use., PERM,22/02/2013

APP/15/00638 - Construction of 1No. detached 3 bed house and 2No. semi-detached 3 bed houses with integral garages with access from private drive (approved 13.8.16). Request to Discharge Condition No. 12 (6.1.16)., PERM,13/08/2015

APP/15/00901 - Fell 1No. Maple (T11) subject to TPO 1838., PERM,08/10/2015

APP/15/00918 - Erection of 1 detached 3 bed house with access from private drive., PERM,02/10/2015

APP/15/01036 - Discharge of Condition Nos. 11,12 and 13 of Planning Permission APP/15/00638., SPL,04/12/2015

APP/15/01238 - Discharge of Condition No. 1 of Planning Permission APP/15/00901., PERM,03/11/2015

APP/15/01237 - Discharge of condition No. 12 of Planning Permission APP/15/00918., PERM,06/01/2016

3 Proposal

Change of use of the land adjacent to the east of No 8 Northlands Park from

woodland area to residential garden; retention of washing/drying structure; erection of composter; replacement shed/log store; extension of parking area and turning head.

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)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist - visited site again (01/08/16) following complaints re bonfires - there was only evidence of a very small fire in a wheel barrow. I checked the woodland and there is no damage to the TPO trees.

Development Engineer - No adverse 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: 8

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary: retrospective - trust woodland area will remain with all TPO'd trees untouched; building materials been burnt with toxic smoke and ash; bonfires in woodland area would put trees at risk; want assurances that no more buildings will be allowed; land should be left for wildlife, not cleared

Comment: The alleged bonfires on the site have been investigated by Environmental Health under their legislation and the applicants warned accordingly

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 residential amenity
- (iv) Parking issues
- (v) Trees/Future structures

(i) Principle of development

The application site was previously outside the urban area boundary and within the 'countryside' and strategic gap - hence the historic refusals for development of this land. However as part of the Development Delivery (Allocations) Plan in 2010/11 the settlement policy boundary was re-assessed. The now adopted Havant Borough Local Plan (Allocations), 2014 identifies the land as within the urban area for Policy CS17 purposes. As such the land is now situated within an urban area where further development is considered acceptable in principle, subject to the usual development control criteria. Therefore the principle of the change of use from previous woodland land to domestic curtilage is acceptable in policy terms.

(ii) Impact upon the streetscene

The site is not visible from any public place so not relevant

(iii) Impact upon residential amenity

The change of use of the land to domestic curtilage would mean that the occupiers of No. 8 could use it for a garden with its associated activities. However since the land has so many trees on it, then the future use is somewhat limited - the ground beneath the trees could be cleared and grassed and maintained as lawn but there is not much scope under the shade of the trees for washing lines and other domestic paraphernalia. Since the site abuts the garden areas of the dwellings in Westbourne Close then the residential use is compatable and should not cause any undue harm to adjacent residential amenity.

In terms of the structures on the site, it is proposed to:

- 1) retain the existing washing/drying area which is a light weight canopy structure measuring 4.2m x 7.6m x 2m high - this has no impact on neighbours.
- 2) replace the existing old shed in the north western corner with a larger structure measuring 9.7m long x between 4.2m and 5.2m deep and 2.5m high to ridge, 2m to eaves. This would be of a timber structure set on pads only to prevent any harm to nearby tree roots. This shed would be set sufficiently away from the rear boundary (by about 1.5m) to minimise any impact on neighbours.
- 3) construct a composter in the north eastern corner - this would measure 2.5m long x 1m deep having a sloping roof/lid such that the height is from 1.2m x 1m high. This would be made of concrete blocks to be pest resistant. It would back against a shed/outbuilding of No 5 Westbourne that is constructed on the boundary which would act as a buffer to the residential garden. This structure is not considered to be detrimental to adjacent residential amenity.

(iv) Parking Issues

The application also includes the extension of the turning head to provide at least 3 additional parking spaces. These would be of a permeable surface and the low boundary wall extended to match the existing. A screening hedge is also located to the north of this extended drive area and the layout blends with the high quality of the remainder of the private drive and has no detrimental visual impact.

(v) Trees/Future structures

The land is covered in many woodland trees and the change of the use of land does not affect these and they will remain protected by the TPO. The proposed structures, including use of pads for the shed rather than foundations, have been assessed by the Tree Officer who raises no objection. The presence of the trees will naturally limit the potential for future structures that could otherwise be constructed under Class E of the General Permitted Development Order, but there is nevertheless concern that if structures that constitute development are erected on site, or areas of patio/hardsurfacing are proposed, then the engineering operations involved could cause harm to the health and longevity of the trees by damaging roots. Therefore in order to control and prevent any future damage to the trees it is recommended that permitted development rights for both Classes E and F (hard surfaces) are withdrawn.

8 Conclusion

Now that the site falls within the defined Urban area there is no objection in principle to the change of use of this land to residential garden land. In order to ensure the root protection areas of the TPO'd woodland on site are not affected, it is proposed to limit any further structures by removing pd rights for Class E.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00649

(A)

(B) 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 provisions of any Town and Country Planning General Permitted Development Order, no additional buildings, enclosures, structures or areas of hard surfacing, permitted by Part 1, Classes E and F or the 2015 order, or as amended, shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To safeguard the health and well being of the trees on the site subject to the Woodland Tree Preservation Order from future possible root

damage, having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

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

Planning Statement
1:1250 Site Location
Existing Layout Drawing No 104/01
Proposed Layout Drawing No 104/02
Proposed Elevations Drawing No 104/3

Reason: - To ensure provision of a satisfactory development.