
Site Address:	Land North of 1 Leigh Cottages, Petersfield Road, Havant, PO9 2HT		
Proposal:	Erection of 1No. 3 bed house with new pedestrian and vehicular access from service road off Martin Road. (Revised application due to boundary change only).		
Application No:	APP/16/00332	Expiry Date:	06/06/2016
Applicant:	Mrs P Dicken		
Agent:	Mr T Friedenheim	Case Officer:	Heather Lealan
Ward:	Bondfields		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is a garden area on the north side of 1 Leigh Cottages. It has a high wall on the north side separating it from a footway and green space close to the underpass under Petersfield Road (the B2150). It is adjacent to a traffic light junction. The vehicular access to the site is on the east side via a private way.

2 Planning History

99/60312/001 - Change of use to garden land and erection of wall and fencing to a maximum height of 1.9m
, PERM,24/09/1999
04/60312/002 - Two storey extension and conservatory to north elevation.,
PERM,09/07/2004
APP/12/00219 - Erection of 1No. 3 bed detached house with new pedestrian and vehicular access from service road off Martin Road., WD,20/04/2012
APP/13/00020 - Erection of 1No. 3 bed house with new pedestrian and vehicular access from service road off Martin Road. (Revised application.), PERM,21/03/2013

3 Proposal

The proposal is for a single house set within the centre of the plot and with its pedestrian entrance facing north. Habitable rooms are not provided on the Petersfield Road side and a private courtyard area is on the east side. Two parking spaces are proposed with access from the private way. There is also garden area to use on the west side. This is a resubmission of a previous application, APP/13/0020. The only change is a slight variation of the red line boundary which had lead to some relocation of the car parking spaces to the west and the omission of the area of verge outside the northern boundary wall (shown on the plans as having the potential for tree planting).

The design of the house reflects the materials (multistock/clay tiles), roof pitches and detailing of the existing property (flat lintels).

4 Policy Considerations

National Policies

National Planning Policy Framework March 2012

Core Strategies 2011 forming part of the HBLDF

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM9	(Development in the Coastal Zone)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, (Fire Access Consultation) - No objection

Development Engineer - conditions as previously proposed

Waste Services - No concerns

Environmental Health Manager, Community Group

Noise - The noise report does not provide an accurate assessment of noise levels but the layout shields habitable rooms from noise from Petersfield Road and no doubt an acceptable internal noise environment could be achieved. The layout is in fact a good model. To work out the spec for the double glazing precise external noise levels would need to be known. Alternatively the glazing configuration could err on the side of caution. Condition proposed re noise protection and the retention of the existing boundary walls on the Petersfield road and northern boundaries.

Contamination - Previous consultation response still valid and conditions proposed to protect future users and occupiers from potential hydrocarbon vapours.

Landscape Team - (previous comments) Materials of car parking areas required; soft landscaping not in detail and no management plan for the new trees. General proposals acceptable.

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: Not applicable.

Number of representations received: None

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) Effect on character and appearance of the area
- (iii) Highway implications
- (iv) Effect on neighbouring properties.
- (v) Environmental Effects
- (vi) Developer Contributions and Other Matters

(i) Principle of development

7.2 The site is in the urban area and so the principle of development is acceptable subject to other applicable policies. The site is within a side garden which was assimilated into the garden of 1 Leigh Cottages after a change of use from an amenity space. Historically therefore it was not garden land. The proposal will be adjacent to an existing property and follow the plot pattern of the other adjacent cottages in that it will have its own access arrangements from the east. The proposal does not therefore cause issues normally associated with development in gardens when those proposals are of a 'backland' nature.

7.3 A proposal for 2 further dwellings on this land were dismissed on appeal in 1996 because of road noise issues. Those dwellings were proposed to be sited on the road frontage. Since that time residential flats have been permitted in Petersfield Road (to the south of the Heron) and this application has produced a design to address the noise issues with a set back into the plot and a layout that does not have habitable rooms on the western, Petersfield Road, side. Env Health no longer raises an objection as there is an appreciation that the glazing can be to a specification that would make the noise levels acceptable. A condition is therefore proposed together with one to retain the boundary walling to help mitigate the impact of the noise on the garden amenity. The change in the redline boundary does not materially impact the merits of this proposal in principle.

(ii) Effect on character and appearance of the area

7.4 The house has been designed to reflect features of the adjacent cottages. Interest is provided to the north elevation with a central gable and entrance detail; to the west with a hipped 'wing' and to the east with another hipped 'wing' providing another entrance to the property. The proposal will therefore provide interest when it is approached from the north from Petersfield Road and when viewed from other public areas. It is therefore considered that it will be acceptable in its context.

(iii) Highway Implications

7.5 It is considered that the existing access to the east can accommodate a further single

dwelling. The plans submitted indicate that the property benefits from a right of access over this land, and no representations have been received to dispute this position. Parking and cycle parking is achievable to meet the Council's adopted standards.

(iv) Effect on Neighbouring Properties

- 7.6 There are no dwellings to the north and the dwelling is a substantial distance from the nearest dwelling to the east on the opposite side of the access. The dwelling considered to be most sensitive is 1 Leigh Cottages to the south, which has a conservatory on the north side and will have its remaining garden on the east side. The design sensitively proposes no large windows at first floor overlooking either the dwelling or the garden. There is only a small bedroom window to bedroom 3. It is not therefore considered that the proposal will result in unacceptable overlooking of 1 Leigh Cottages. Also, being on the north side it will not overshadow the garden of No 1. The proposal retains sufficient amenity space for the existing property. The change in the redline boundary does not materially impact the merits of this proposal.

(v) Environmental Effects

- 7.7 In view of the proximity of the site to the garage to the north there may be potential groundwater issues due to seepage under this site. Special conditions are therefore proposed. (The applicant is aware and has accepted them).
- 7.8 There are small garden trees on the site. A number are intended to be retained and additional trees are being proposed including 4 proposed outside of the application site on the northern side of the existing wall which would add to the appearance of the area - however as they lie outside of the application site their provision cannot be required by condition. On balance, a failure to provide tree cover in this location is not considered to undermine the acceptability of the scheme in all other respects.

(vi) Developer Contributions and Other Matters

- 7.9 The proposal is subject to financial contributions relating to the Community Infrastructure Levy (CIL) and the Solent Recreation Mitigation Project (SRMP). The necessary CIL forms have been completed by the applicant and an appropriate SRMP Deed and Payment has been completed and paid.

8 Conclusion

- 8.1 The proposal has been designed to take account of the specific issues relevant to its location - with respect to noise, neighbour relationships and an appropriate design. It is considered that these particular matters have all been adequately addressed. The change in the redline boundary does not materially impact the merits of this proposal compared to that previously approved.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00332 subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Construction of the building hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11.4, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 No development hereby permitted nor any related site clearance shall commence until a specification of measures to be undertaken to prevent damage to existing trees proposed to be retained on the site throughout implementation of the same has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times which such implementation is in progress. Any such tree which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position.
Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 No development hereby permitted shall commence until design specifications for the installation of a hydrocarbon resistant membrane system have been submitted to and approved in writing by the local planning authority (the 'approved mitigation works'). The submitted specification shall include:
 - a) Membrane product details, inclusive of material & density
 - b) An installation method statement, including details of sealing method at service penetrations and installation across wall cavities, and;
 - c) Provisions for sub-floor ventilation (if applicable)

All measures forming part of the approved mitigation works for the site shall be undertaken and fully adhered to, prior to occupation of the dwelling.

Reason: To protect future occupants from assumed risks from hydrocarbon vapours that could result from elevated concentrations of hydrocarbons within groundwater underlying the site and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 If, during development, contamination not previously identified on site is found

to be present (for example, strong hydrocarbon odour, oil sheen within trenches, or staining of soils), no further development shall be undertaken until the Local Planning Authority has been notified, and agreed if further mitigation measures are required.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to property; and to ensure that the development can be carried out safely without unacceptable risks to workers, and neighbours and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The development hereby permitted shall not commence until a scheme for protecting the proposed dwelling from traffic noise from Petersfield Road has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be brought into use until the implementation of all works forming part of such approved noise protection scheme has been completed in full accordance with all detailed components of such scheme.

N.B. Maximum noise level (predicted 15 years from completion of dwelling) in habitable rooms, with windows closed and other means of ventilation provided:

Daytime 35 dB LAeq,16h

Night time 30 dB LAeq,8h

Reason: To safeguard the amenities of occupiers of those dwellings and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

Note: It is anticipated that it would be sufficient to achieve this standard by ensuring that habitable rooms with windows on the north or south facades be double glazed with a minimum glazing configuration of 6: 6-20: 4, i.e. two panes of glass 6mm and 4mm thick separated by a gap of between 6 and 20mm. Any habitable room on these façades without an openable window on the rear (east) façade (i.e. not dual aspect) would need to have a means of acoustically insulated ventilation provided so that the windows can be kept closed.

- 7 The existing boundary walls on the northern and western boundaries of the site shall, but for the access to the dwelling, be retained as part of the noise mitigation measures for the property required by condition 6.

Reason: To protect the amenities of the future residents of the property and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 The building shall not be occupied until space for the loading, unloading and parking of vehicles and bicycles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall

thereafter be retained and used solely for those purposes.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A and E of the 1995 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: In view of the limited amenity space within the site that is not affected by road traffic noise and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

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

Application form

Site Layout Plan showing amended red line boundary drwg.no30316 rev A

Design and Access Statement

Boundary Plan 1:1250

Tree Report by Dr Rachel Benstead

Traffic Noise Attenuation Report

GF Plan 2169/01A

1st Fl plan 2169/02A

Elevations 2169/03B

Roof Plan 2169/05A

Reason: - To ensure provision of a satisfactory development.