
Site Address:	Land south of 8 New Brighton Road, Emsworth, PO10 7PS		
Proposal:	Erection of 1 detached 3 bed house with access from private drive.		
Application No:	APP/15/00918	Expiry Date:	15/10/2015
Applicant:	Mr Poikans	Team:	Team 2
Agent:		Case Officer:	Tina Pickup
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a slightly sloping grassed area of open land located to the east of the private shared drive serving No 4, 6, 6a, & 8 New Brighton Road. The turning head serving the dwellings within the cul-de-sac is included within the application site, which is located directly to the north of this 'plot'. The land slopes slightly down to the south to the A27 - this treed embankment of the road forms the boundary of the site. Along this southern boundary is a Woodland Tree Preservation Order which is a wooded area of predominantly field maples and hawthorn trees. There is also a line of young lime trees within the laurel hedge forming the eastern edge of the access road. The open grassed land to the west of the access road is not part of this current application site but has recently been granted planning permission for 3 dwellings under APP/15/00638.

The access drive also provides vehicular access for 14 & 16 New Brighton Road and the junction with New Brighton Road has dropped kerbs rather than being a radius junction. At this point the land slopes up from New Brighton Road but then levels. There are security gates at a point aligned with the rear boundary of No 14 New Brighton Road, providing access to the development site.

No 4 and 8 are substantial detached dwellings - No 8 being in use as Bed & Breakfast accommodation (by virtue of APP/12/01194 - 4 of the 6 bedrooms are in B&B use) , No 6 was originally a detached dwelling but has been subdivided to two semi's (APP/13/00209) - all are red brick with elements of flint work and black weatherboarding; beneath red clay tile roofs with black windows.

2 Planning History

There are 2 other current planning applications being considered and awaiting determination on the site at the time of writing:

APP/15/01036 - Discharge of conditions 11,12,13 & 14 of APP/15/00638

APP/15/00901 - Fell 1No Maple (T11) subject to TPO 1838

There is a long planning history to the site which includes the following:

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 Permitted 13/08/2015

APP/13/00209

Conversion of existing 6 bed detached house to 2No. 3 bed semi-detached houses, one retaining existing detached garage Permitted 18/04/2013

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.

Permitted 22/02/2013 Conditioned to be 4 bedrooms only, and operated by resident householder only also S106 not to let, sell or dispose of garage/severe from curtilage without agreement from LPA

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

07/62243/009

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

07/62243/008

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

07/62243/007

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

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.

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.

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.

04/62243/003

Erection of 3No. dwellings, 2 with a detached double garage utilising the existing access to New Brighton Road. To include felling of an Ash tree, part of Group A1 subject of TPO 1210. Permitted 02/02/2005.

97/62243/001

Outline application for the construction of 3 detached single storey dwellings with access from existing private drive onto New Brighton Road (Revised application). Permitted 04/09/1997.

97/62243/000

Outline application for the construction of 3 detached single storey dwellings with access from existing private drive onto New Brighton Road. Refused 11/03/1997.

3 **Proposal**

The proposed dwelling would be sited to the east of the access drive and positioned close to the turning head, necessitating the removal of lime tree T17. Its drive/car parking would be taken directly off the access drive, located to the south-west of the dwelling. The dwelling itself would have a maximum ridge height of 8.7m and eaves of 4.4m. It would be constructed of red bricks to match the others in the cul-de-sac, with plain clay tiles, black windows and weatherboarding feature panels. It is proposed to install specialist acoustic glazed windows together with acoustic wall and roof insulation.

An Arboricultural Impact Appraisal and Method Statement, and Transport Statement have been submitted with the application, as well as a contamination desktop study and walkover report and Flood Risk Statement.

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)
CS20	(Transport and Access Strategy)
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

DM25	(Managing Flood Risk in Emsworth)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

The Borough Design Guide SPD, Dec 2011
and Residential Parking and Cycle Provision SPD, March 2010

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Environment Agency - proposed development falls within Flood Zone 1 therefore no bespoke comments

Engineering/Drainage - Drainage: surface water ditch is beyond ownership and part of A27 infrastructure so an Informative needed advising the consent of Highways England required; additional information acceptable for compliance with DM25

Environmental Health - Air Quality - facade of building only 30m from A27 carriageway

land & air quality indicators monitored nearby are within comfortable margins; 30m set back sufficient for future occupiers not to be exposed to unacceptably poor local air quality; no objection

Ground Contamination: land subject to this plot appears to have historically been largely undeveloped with a track and wooded enclosures; likely location of any contaminants difficult to determine and therefore an intrusive site investigation is not considered appropriate but rather a condition requiring any contaminants found are dealt with

Arboriculturalist - arboricultural evidence is comprehensive, removal of T17 agreed (to be resited as replacement for maple T11 elsewhere on site); condition compliance with AMS & TPP

Building Control, (Fire Access Consultation) - no comment

Development Engineer - Highways - no adverse comment

Crime Prevention -Minor Apps - none received

Waste Services Manager - none received

Also a response from Hampshire Biodiversity Information Centre alerting to the presence of a protected species within 50m of the application site

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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary:

Comment:

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) Trees on site
- (iii) Highways and parking
- (iv) Design and Impact upon the streetscene
- (v) Impact upon residential amenity
- (vi) Drainage, Contamination & Noise
- (vii) Developer Contributions

- (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.

Considerable pre-application negotiation has taken place over the past 6 months in relation to the 3 plots to the west (APP/15/00638) and this 4th plot, leading to the submission of this development proposal.

(ii) Trees on site

The Woodland Order and trees on the southern boundary have been a major constraint to development and the proposed layout and precise siting of this 4th plot has evolved following considerable Arboricultural pre-application feedback. The precise siting proposed was pegged out prior to submission and a site meeting held to fully assess any impact including pressure to prune by future occupiers. It has been agreed that the proposed siting now provides adequate separation distance to the RPAs of the woodland trees.

The removal of T17, a lime within the access hedge has also been agreed, enabling the siting of the dwelling to be pulled as far north within the plot and away from the Woodland Order as possible. At a site visit on 06/08/15 the Maple tree in the north east corner of the site the subject of the 3 dwellings, which is subject to a TPO was showing signs of die-back and mechanical damage; it was agreed that due to the tree showing signs of decline following recent extensive bark removal it could therefore be applied to be felled - hence current APP/15/00901. This would be subject to a suitable replacement which is a requirement of the Town and Country Planning Act - and that replacement tree will automatically be protected by the original order. It was agreed on site that T17 could be lifted and resited as a suitable replacement - advice was given on how best to achieve this.

With satisfactory conditions to ensure protection during construction then there is no objection on arboricultural grounds to the proposed dwelling.

(iii) Highways and parking

The site is served by a private drive/cul de sac that is made up to adoptable standards being 5.2m wide with a turning head sufficient for emergency vehicles/refuse collection/other large vehicles. The accompanying Transport Statement concludes that the proposed development would have an insignificant impact on local traffic flows and recommends widening the access road at its current pinch point adjacent no 16 and making some junction improvements by extending the dropped kerb. This would improve the safety for both vehicles and pedestrians. Whilst the number of dwellings served by this access exceeds the nominal '5 off a private drive', the standard of the existing cul de sac exceeds that of a private drive and provides for two way traffic with pavement and turning. The recommended junction improvements were imposed as conditions on APP/15/00638 on the scheme for 3 dwellings but should be repeated on this permission for one dwelling in the event that this plot is implemented first or the 3 are not implemented at all.

The Development Engineer has raised no objection to the scheme. Adequate parking is provided on site for the proposed dwelling, including a shed for secure cycle storage, in accordance with the Residential Parking and Cycle Provision SPD.

(iv) Design and Impact upon the streetscene

The architectural style and design of the proposed dwelling would be similar to No 4 - 8 with matching materials and detailing such as black windows. The height of the proposed dwelling is however slightly higher than No 8 (6.9m) and those recently approved under APP/15/00638 which were 7.8m to ridge - the proposal is 8.7m to ridge. However this plot would be viewed in isolation being the only plot to the east of the drive and therefore will not be seen in the context of a strong linear street scene. The differing finished ridge heights in the cul de sac as a whole will be subtle and not overly dominant or visually intrusive and is considered appropriate.

The existing frontage boundary treatment of a post and rail fence with laurel hedging will remain and will match that proposed for the western side once the 3 plots are implemented.

v) Impact upon residential amenity, including noise

The adopted Borough Design Guide SPD recommends garden sizes and back to back separation distances etc to neighbouring dwellings to ensure adequate protection of residential amenity. Being isolated on the east side of the drive, the nearest existing dwelling is No 8 to the north at some 20m away. This is plenty of separation to ensure adequate protection of amenity.

The precise siting of this plot has been led by the constraints of the trees and the resultant layout provides ample amenity space for future occupiers but not in a traditional 10m rear garden format. The triangular and wooded nature of the plot provides some 80m of woodland but the more open/grassed/useable sitting out space around the property will be spread on all sides of the dwelling. It is considered that the curtilage available and differing amenity space it provides is commensurate and appropriate to the dwelling proposed.

In terms of noise and disturbance resulting from an intensification of the development of the site and added vehicles using the drive, passing No 14 & 16, this increase is considered acceptable in this urban area given the background noise from the close proximity of the A27. The access road is made up with a tarmaced surface which is quieter than a graveled drive so additional disturbance resulting from this one dwelling is considered to be minimal - although realistically the increase is 4 dwellings due to the recently approved 3. The cumulative addition is nevertheless still considered acceptable in this urban area.

(vi) Drainage, Contamination & Noise

The site lies beyond the flood zone of Emsworth and as such was not accompanied by a FRA. The Environment Agency has made no bespoke comments to the proposal. In terms of on site drainage Policy DM25 requires post development run-off to be reduced as much as possible and the approximate quantities involved for the 1 in 1 year, 1 in 30, 1 in 100 and 1 in 100 with 30% climate change provided for monitoring purposes on the Emsworth and West Brook. Therefore a Flood Risk Statement has been prepared and submitted providing the necessary surface water information and proposed run-off volumes. The Drainage Engineer has seen this document and raises no objection. Previously he noted that the proposed discharge ditch is beyond the application site and part of the A27 infrastructure and therefore consent is required from Highways England to connect to this,

which can again be added as an Informative.

Following conditions imposed on APP/15/00638 a desktop study and walkover survey contamination report has been undertaken and submitted. Environmental health have commented that the land subject to this plot appears to have historically been largely undeveloped with a track and wooded enclosures. Therefore the likely location of any contaminants would be difficult to determine and an intrusive site investigation is not considered appropriate but rather a condition requiring that should any contaminants be found during construction that these are appropriately dealt with.

With respect to noise for future occupiers, the dwelling would be within 30m of the A27 and subject to road noise. The proposal mitigates against this and includes acoustic insulation to the roof and walls with specialist acoustic glazing.

(vii) Developer Contributions

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre on new floorspace (measured as gross internal area) in Emsworth.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new floor space for the dwelling totals 235 sqm m which generates a total CIL liability of £23,500. The applicant has completed the necessary Assumption of Liability forms.

This development would also increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures. This is set at £174 per dwelling to the Solent Disturbance Mitigation Project. For the proposed dwelling, plus admin and monitoring fee, the appropriate payment of £202.70 has been paid and the relevant form has been completed by the applicant.

8 Conclusion

The proposed scheme for the additional dwelling within the defined urban area is considered to be of an appropriate design and layout that respects the existing woodland trees on the site and will not give rise to any undue amenity issues and is acceptable in highway terms. The proposal is therefore considered to accord with the relevant Local Plan and Allocation Plan policies and the guidance set out in the Borough Design Guide SPD and the NPPF. The application is therefore recommended for conditional permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00918

(A)

(B) 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 The external materials to be used shall be as indicated on the submitted details or to match in type, colour and texture those on the adjacent dwellings at 4 - 8 New Brighton Road, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

Planning, Design and Access Statement dated 18 August 2015
Arboricultural Impact Appraisal and Method Statement by Technical Arboriculture dated April 2015 and Tree Protection Plan Final
Transport Statement by C M Veasey dated May 2015 and Proposed Access Improvements Plan Figure 6
Flood Risk Statement Report Number YE2198 by Your Environment dated 24th August 2015
Stage 1 Desktop Study and Walkover Survey Report YE2196 dated August 2015

1:1250 Site location plan
1:500 Site layout plan Drawing Number 102/01
1:500 Site layout plan Drawing Number 102/02
1:200 Site layout plan Drawing Number 102/03
1:200 Surface & Foul Drainage plan Drawing Number 102/04
1:100 Ground floor plan Drawing Number 102/10
1:100 First floor plan Drawing Number 102/11
1:100 Roof plan Drawing Number 102/12
1:100 West elevation plan Drawing Number 102/05
1:100 South elevation plan Drawing Number 102/06
1:100 East elevation plan Drawing Number 102/07
1:100 North elevation plan Drawing Number 102/08
1:100 Section A-A plan Drawing Number 102/09

Reason: - To ensure provision of a satisfactory development.

- 4 All works to trees, including provision of protective fencing, shall be

undertaken in strict compliance with the submitted Arboricultural Impact Appraisal and Method Statement by Technical Arboriculture dated April 2015 and accompanying plan Job Ref: AIA/AMS-KC/newbright/002 Final.

Reason: To protect the health of trees to be retained in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The soil levels within the root spread of trees / hedgerows to be retained shall not be raised or lowered.

Reason: To avoid damage to health of existing trees and hedgerows and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The driveway serving the hereby approved dwelling shall be constructed of porous and non compressive, self supporting materials and shall be retained in that condition.

Reason: To protect adjacent trees and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy), policy DM25 of the Havant Borough Publication Local Plan (Allocations) and the National Planning Policy Framework 2012.

- 7 The dwelling hereby permitted shall not be occupied before the proposed extension of the dropped kerb and access carriage way width enlargement are constructed and laid out in accordance with the approved details shown on 'Proposed Access Improvements Figure 6' of the submitted Transport Statement May 2015.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 The development shall not be brought into use until a minimum of 2 parking spaces and the secure cycle storage shown on the layout plans have been provided within the curtilage of the dwelling hereby approved and thereafter all of those spaces kept available for such 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 The development hereby approved shall not be brought into use until the dwellings hereby permitted have been insulated against road traffic noise in accordance with the submitted details contained in the Design and Access Statement, i.e. specialist acoustic glazed windows and acoustic insulation to external walls and roofs and thereafter maintained as such in perpetuity. Any variation to this shall first be agreed in writing with the Local Planning Authority.

Reason: To ensure that the dwellings are adequately sound proofed in the interests of the amenities of the future occupants having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 If, during development, contamination not previously identified on site is found to be present, works in the affected area must cease, and no further

development (unless otherwise agreed in writing by the Local Planning Authority) shall be undertaken until a report has been submitted to and approved by the Local Planning Authority that details how that contamination is to be dealt with. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be adhered to.

Reason: Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at the site that could pose a risk to future site occupiers and having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], and the National Planning Policy Framework 2012.

- 11 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A, D, E, F of the 2015 Order, other than the hereby approved cycle shed, shall be erected within the curtilage of the dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to maintain control of such additions in the interests of the protection of the trees on site and the character and appearance of the development and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.

- 12 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed building and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.

Reason: In order to ensure the hereby approved dwelling is set at an appropriate level, in the interests of the visual amenity of the area, having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 13 No burning of materials shall take place anywhere on the development site, throughout the period of site clearance and development.

Reason: To protect the health of trees to be retained in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.