

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)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Borough Design SPD 2011

Residential Parking Standards SPD 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Network Rail

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.

Construction and Maintenance

The development proposal must ensure that any construction and future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

It would therefore be requested that the proposed houses are at least 2 metres away from the boundary of the operational railway. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of; Network Rail Asset Protection Engineer Approval (requiring 20 weeks notice), railway look-out protection, supervision, and other facilities necessary when working from or on railway land.

Landscaping

Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

- Permitted:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne

(Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata “Zebrina.”

- Not Permitted:

Alder (Alnus Glutinosa), Aspen – Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request.

Drainage

No storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants expense.

Roads and Parking

The Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas, where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated and in a position to stop vehicles driving into or rolling onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged.

Fencing

In the interests of promoting public safety and reducing the risk of trespass and vandalism on the railway, the applicant should ensure that a suitable trespass resistant fence is located along the boundary to the railway. If such fencing does not exist we strongly recommend that new Network Rail approved fencing, which is trespass proof and at least 1.8 metres high with a concrete foundation, be installed. The fence must be constructed independently of any existing Network Rail fencing, and sufficient distance should also be allowed between fences to allow for future maintenance and renewal.

As the application site is adjacent to Network Rail's operational railway infrastructure, Network Rail recommends that the applicant contacts its Asset Protection Wessex team at AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx

Comment - An informative should be included on the decision notice to bring these requirements to the applicant's attention.

Arboriculturalist

Tree is within to railway operational land. Concerns with relationship between development and this off site tree.

Crime Prevention

No comments

Environmental Health

No adverse comment with respect to air quality. Some off-site contamination risk exists, which could be significant if present. A full suite of conditions is requested. Rationale is included in full

response as available on planning file and web..

Condition 1

Prior to the commencement of development approved by this planning permission, or at any other stage otherwise agreed in writing by the Local Planning Authority; a scheme to deal with the risks associated with potential ground contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded.

1. A desk study & preliminary risk assessment, identifying:

- ☐ all previous uses
- ☐ potential contaminants associated with those uses
- ☐ a conceptual model of the site indicating sources, pathways and receptors
- ☐ potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme based upon 1), appropriate to the scale of the site and the risks identified, to provide sufficient information for an assessment of the risks to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and, if appropriate, a remediation or risk mitigation strategy based on these results giving full details of the measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of remedial measures, and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: *To ensure future site users, buildings, potable supplies or other services are not exposed to unacceptable risks arising from the condition of land outside of the application area, including railway land. This condition is in line with paragraphs 109 and 121 of NPPF, policies DM10 of the Havant Borough Adopted Core Strategy (2011) and DM17 of the Draft Local Plan (Allocations) 2012, and to the policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review).*

Condition 2

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: *To ensure future site users, buildings, potable supplies or other services are not exposed to unacceptable risks arising from the condition of land outside of the application area, including railway land. This condition is in line with paragraphs 109 and 121 of NPPF, policies DM10 of the Havant Borough Adopted Core Strategy (2011) and DM17 of the Draft Local Plan (Allocations) 2012, and to the policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review).*

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how

this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: *To ensure future site users, buildings, potable supplies or other services are not exposed to unacceptable risks arising from the condition of land outside of the application area, including railway land. This condition is in line with paragraphs 109 and 121 of NPPF, policies DM10 of the Havant Borough Adopted Core Strategy (2011) and DM17 of the Draft Local Plan (Allocations) 2012, and to the policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review).*

It is intended that the scope of works be proportionate, and appropriate to the nature and scale of the proposed development, and the nature and scale of the risks associated with the identified features.

The applicant has a duty to ensure that the development is 'safe & suitable for uses', and under national planning policy, at a minimum the development must not be capable of being determined as statutorily Contaminated Land.

The applicant will not be required to remediate an off-site contamination source, only to ensure that exposures at the consented (if granted) development are not unacceptable.

Air Quality

It is known that the overwhelming majority of passenger railway locomotive (>98%) are electrically powered. Proximity to the rail line is not therefore considered to be an issue with respect to exposure to local sources of air pollution, and the site is not located close to any other significant known sources of local air pollution.

I have no adverse comments with respect to air quality.

Development Engineer

I have no adverse comment to the principle of this application. However the parking spaces p10 and p11 need to be checked to ensure that vehicles can reverse into the drive and drive out in a forward gear. The parking is below the HBC standard- it should be two spaces per property not one. The lack of parking would not lead to a highway reason for refusal because any indiscriminate parking would be contained within the site but I suggest this will have an effect on the amenity of the future owners of the property. The large area shown within the redline in front of P1- P4 must be conditioned to be used for the turning service and emergency vehicles.

Landscape Team

This scheme will require good hard and soft landscape detailing to ensure it is successful for new occupants, and to help it integrate into the existing local landscape.

It is not clear from the plan what is existing or proposed planting-

I would recommend a good boundary treatment to the frontage of 9/10 to deter removal and the spaces used for informal parking as parking space is limited. The planting should be of a type and density to create an impression of space between the new dwellings and the access road and enable them some privacy.

This boundary treatment and suitable planting should also be instigated at the planting area shown north of the parking spaces.

What hard landscaping is in place to prevent vehicles in the parking spaces mounting the footway – levels/kerb heights/bollards in all one level – details required please.

Are there hedges proposed as the rear garden boundary treatments to plots 9/10 – details required.

The rear of plots 5-8 could also have some supplementary hedging to the chain link fencing. Planting at the frontage of these plots will also be advantageous – I would recommend removing the smaller indicative areas of grass and using whole shrubbed areas.

I would like to see details of any planting on the site especially on the

entrance roadway within this application – what is the roadway edging?
I would like to see hard landscaping details, junction between the areas – kerb heights, edgings etc.

Waste Services Manager

As long as we can access their wheeled bins at the boundary of the new properties, then I have no wa
collection issues at this new location.

Environment Agency

No comments

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: One

Statutory advertisement: Not applicable.

Number of representations received: 15

Summary:

- (a) Properties 9 & 10 will be directly behind the current houses 65, 67 and 69 and, there will barely be room for a path between these houses and our back fences. They will overlook our homes and gardens and severely intrude on our privacy, daylight and outlook
- (b) Properties 9 & 10 will effect the value of my house, as they are close to my bottom boundary.
- (c) Overdevelopment of the site - the properties are too close together and six houses is far too much for such a small area of land.
- (d) The extra traffic these houses will generate and an inadequate on site provision of parking spaces will lead to off site parking within cul-de-sac, indeed in the whole of Third Avenue (which is a daily problem already).
- (e) Increase of traffic flow through the cul de sac.
- (f) Already crowded are in a high-stress environment between two busy and noisy railway lines.

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) Appropriateness of design and effect on character and appearance of the area
- (iii) Effect on neighbouring property
- (iv) Nature of development
- (v) Highway Implications
- (vi) CIL and SDMP implications

(i) Principle of development

- 7.2 The site is in the urban area and therefore the principle of residential development in a residential area is acceptable subject to other policies.

(ii) Appropriateness of design and effect on character and appearance of the area

- 7.3 Policy CS16 requires development to integrate with the existing local landscape and draw inspiration from and respect local character. It is considered that the design of the buildings proposed accords with the previously permitted scheme to the west, (which is currently under construction). However, it is not considered that the proposal respects local character in regard to plot sizes and layout; the existing houses sit in reasonable plots with good sized gardens and acceptable separation distances between front and rear. However, the rear elevations of the dwellings proposed to be sited to the front of the site, (plots 9 & 10) are only 10m from the front elevations of the dwellings proposed to the rear of the site, (plots 5-8), with garden depths of only 4.5m. Therefore, due to the inadequate plot sizes it is considered that the proposal would be out of keeping with the surrounding development and would result in a cramped and congested layout, not in accordance with the Borough Design Guide (which recommends garden depths of 10m minimum) or policy CS16 of the adopted Core Strategy.

(iii) Effect on neighbouring property

- 7.4 It is considered that the development of the site in the manner proposed would have an unacceptable detrimental impact on the amenities of the occupiers of existing dwellings No's 65 and 67 Third Avenue in particular, given the combined proximity of Plots 7/8 and 10. The proposed dwellings identified as plots 7/8 would have an overbearing impact on the rear gardens of these existing properties. Whilst it is accepted that no clearly glazed windows are proposed within the first floor front elevation of these plots, the presence of the main front elevation of this semi-detached pair due south, so close to an area of private amenity space, would in itself have an overbearing impact to such an extent to warrant the refusal of this application. Furthermore, this siting must be read in combination with the impact of the side elevation of proposed plot 10, located adjacent to the rear boundaries of these existing properties. Whilst the separation distance of over 10m accords with the Borough Design Guide SPD recommendations, the dominant bulk and siting of Plot 10 close to the rear boundaries of Nos 65 and 67 in particular would, when coupled with the impact of Plots 7/8, further exacerbate the situation of an unacceptably overbearing impact of the new development on the occupiers of these dwellings.

(iv) Nature of development

- 7.5 The development proposes garden depths which do not meet the Borough Design Guide in terms of depth. However, if the dwellings to the front of the site, plots 9 & 10 were removed from the scheme, then it could be argued that the resulting front and rear garden areas taken in combination, given the end cul-de-sac location of the scheme, would provide sufficient amenity space to allow the permission of plots 5 -7, (plot 8 being unacceptable due to impact on existing dwellings).
- 7.6 The large tree to the front of the site adjacent to plot 9 is located on railway land and it is considered that the relationship between this tree and plot 9 in particular would be unacceptable in terms of the amenities of any future occupants.

(v) Highway Implications

- 7.6 Access is via Third Avenue utilising the existing access to Nos 71 and 73. It is not considered that the increase in traffic flow that this small development would create would be a valid and justified reason to refuse this application.
- 7.7 Only one parking space has been provided per dwelling. The parking is below the HBC standard; it should be two spaces per property not one. However, previous planning permission APP/11/01577 established that the site is with an accessible location due to the pedestrian access via the footbridge back to Havant station and the town centre and so therefore, to remain consistent with the previous permission, the lack of parking should not lead to a reason for refusal.
- 7.8 The Highway Engineer has advised, if the application were to be permitted, that the large area shown within the redline in front of previously permitted dwellings P1- P4 must be conditioned to be used for the turning of service and emergency vehicles. Furthermore that insufficient information has been provided to demonstrate that vehicles using the parking spaces for p10 and p9 can reverse into the drive and drive out in a forward gear. This matter should be included in the reasons for refusing this scheme due to insufficient information being submitted to allow the Highway Engineer to assess the safety of the use of these two proposed parking spaces.

(vi) CIL and SDMP Implications

- 7.9 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 £80 per square metre on new floorspace (measured as gross internal area).

It is considered that there is a CIL liability for this site. A credit can be given for the existing floorspace of the dwelling within the site and therefore only the additional floorspace is CIL liable. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space will be 266.3m and as such this will require a CIL payment of £16,616. The applicant has been advised of this sum accordingly and has completed the assumption of liability form.

- 7.10 This development would 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. The measures of mitigation adopted by the LPA at the end of June this year requires a payment of £172 per dwelling to the Solent Disturbance Mitigation Project. This applicant is aware of this payment; however as this application is being recommended for refusal no binding arrangements are in place to secure this payment.

8 Conclusion

- 8.1 The dwellings as proposed will result in a cramped and congested layout with a harmful impact on adjoining properties, with inadequate turning for Plots 9 and 10 and with no

binding arrangements in place to secure the necessary Solent mitigation payment. The application should therefore be refused for the considerations provided within section 7 of this report and the reasons as listed below.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/14/01020 for the following reasons

- 1 Development of the site in the manner proposed would amount to over-development, in that it would give rise to unsatisfactory plot sizes and to a cramped and congested layout. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.
- 2 Having regard to the size and location of plots 7/8 & 9/10 and their relation to adjacent development, the proposed development would be detrimental to the visual amenities and the quiet enjoyment of the adjacent properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.
- 3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the LPA which seeks to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. It is therefore contrary to policies CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.
- 4 On the basis of the limited information available to the Local Planning Authority regarding the use of parking spaces P9 and P10, it is not considered that it has been demonstrated that the parking could be provided in a satisfactory manner without the need for vehicles to reverse onto the adjacent highway, to the detriment of highway safety. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The layout and siting of the proposed development would result in a tree important in the local landscape and subject to a Tree Preservation Order being located such as to have an excessive and over-bearing impact on the amenities otherwise enjoyed by occupiers of Plot 9 of the development, thereby putting at undue risk the long term conservation of the tree. It is therefore contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

