
Site Address:	7 North Close, Havant, PO9 2TE		
Proposal:	Outline Application for erection of 1No. two storey dwelling with all matters reserved.		
Application No:	APP/13/00039	Expiry Date:	10/04/2013
Applicant:	Mr Eades	Team:	Team 1
Agent:	Mr Allen	Case Officer:	Steve Weaver
Ward:	St Faiths		

Recommendation: **GRANT OUTLINE CONSENT**

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) which incorporates an area of water formerly used as a watercress bed.
- 1.3 The land to the south of the water cress bed 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 land south of the water cress bed.

2 Planning History

None of relevance

3 Proposal

- 3.1 The application is an outline application for the siting of 1 dwelling on the land to the south of the water cress bed with all matters reserved.

4 Policy Considerations

National Policies

National Planning Policy Framework 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)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency:

No objection subject to condition re proximity of development to Lymbourne Stream.

Ramblers Association:

No comments

Open Space Society:

No comments

Public Spaces Development Manager:

No comments

Atkins Planning Team:

A public foul sewer crosses the site, the layout of which must be determined on site by the applicant before the layout of the development is finalised. It might be possible to divert the public foul sewer subject to conditions. Informative requested in the event that permission is granted.

Building Control:

No comments.

Arboriculturalist:

The trees to the rear of the site provide an important buffer from the road and should be protected during construction - there is an argument to protect these trees as a group via a TPO - this can be assessed later in the process once the application moves on from outline (if successful). There are two very important Irish Yew trees that will require protection on site during any construction, however they offer no public amenity and as such can not be TPO'd.

I have no objection to this application if the above trees are retained and protected on site.

Crime Prevention:

No comments.

Development Engineer:

S106 Transport Contribution required (outline).

Hampshire Biodiversity Information Centre:

Standard notification that application may have adverse impact on wildlife given its proximity to Priority Site/Habitat/Species - in this case bats.

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: 17

Number of site notices: 1

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) Nature of the development
- (iii) Effect on neighbouring properties
- (iv) Effect on the character and appearance of the area
- (v) Highway implications
- (vi) Impact on trees and ecology

(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 is therefore acceptable in principle, subject to detailed development control criteria which takes into account the nature of the site.

(ii) Nature of the development

7.3 The proposal is for an outline planning application with all matters reserved to the Reserved Matters stage, therefore all that is known at this stage is that the proposed dwelling would be detached in form. Notwithstanding this, the submitted design and access statement suggests that access would be taken from an existing access off North Close - no objections have been received to this potential arrangement from the Development Engineer.

7.4 In terms of the potential siting of the dwelling, the site is constrained by a large number of trees which will be important to protect and retain in order to preserve the character of the area and retain appropriate habitat for the protected species identified by HBIC. Nevertheless the submitted arboricultural report and arboriculturalist's consultee response indicate that sufficient open land exists within the site to enable the development of a dwelling without prejudicing these interests. The site also adjoins the Lymbourne Stream, and again this poses constraints in terms of the siting of the dwelling, given the Environment Agency's recommendations. However, the generous width of the plot means that the siting of the dwelling a minimum of 8m from the stream is readily achievable.

(iii) Effect on neighbouring properties

- 7.5 In terms of the effects on neighbouring properties, as the design is not under consideration and the siting is not fixed, it is necessary to consider whether a detached dwelling could be provided on the application site such that it could be accommodated without undue harm to neighbouring residential amenities.
- 7.6 The properties in Lower Grove Road to the west of the site would be separated by a minimum distance of 30 metres. There is also a dismantled railway, now the Hayling Billy Trail, between the site and the neighbouring properties to the west which would also provide a 'buffer'.
- 7.7 No's 3, 4 and 6 South Close would be separated from the site by 24, 15 and 45m respectively (and in reality more than this from the dwelling, given the need for a buffer to the stream as the Environment Agency have requested).
- 7.8 Given an appropriate design, it is therefore considered that an acceptable relationship between the proposed and existing properties could be achieved.

(iv) Effect on the character and appearance of the area

- 7.9 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.
- 7.10 The proposed dwelling would be set within a plot measuring between 26 and 18m east to west and 62m north to south, therefore making more efficient use of the land while retaining the spacious character of the area. It is considered that the siting of a dwelling in the proposed plot of land could be achieved in a way which would be in keeping with the character and appearance of the area, as tree cover on the site need not be adversely affected by the development.

(v) Highway implications

- 7.11` Whilst access is a reserved matter, in reality it is highly likely that the access to the site would be taken from North Close which is an unadopted road. It is considered that the proposed dwelling could be provided with an acceptable access arrangement to this private road.
- 7.12 The development would result in an additional residential unit. At this stage it is not known how many bedrooms are proposed for this outline application, however, the proposal would result in the need for a HCC Transport Contribution via a unilateral undertaking. A section 106 agreement has been drafted to enable an appropriate contribution to be provided according to the number of bedrooms contained within the dwelling.

(vi) Impact on trees and ecology

- 7.13 The site includes a large number of mature trees, 2 of which are of a high quality, however the arborist has visited the site and confirmed that a dwelling could be sited in a manner which would not cause undue harm to any of the trees which it would be desirable to retain (that is the group of trees to the south of the site and the 2 yew trees in the north of the site).

7.14 The Environment Agency response requests that an adequate buffer is provided to the Lymbourne Stream which runs along the eastern boundary of the site. With regard to other protected species/habitat, it is considered that the retention of the majority of the existing tree cover will provide appropriate protection for bat habitat.

8 **Conclusion**

- 8.1 In conclusion, it is considered that a detached dwelling could be provided in the site in a manner which would respect the established pattern of development and not cause any adverse effect on the amenities of the neighbouring properties, nor the natural qualities of the site. Furthermore the development is considered to constitute a sustainable form of development within an urban area and would provide a contribution towards improvements to the highway infrastructure, therefore it is recommended that outline consent is granted.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT OUTLINE CONSENT** for application APP/13/00039

(A) subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same **[herein called "the reserved matters"]** have been submitted to and approved in writing by the Local Planning Authority.
 - (a) The layout of the dwelling and the means of access thereto from an existing or proposed highway;
 - (b) The scale and appearance of the dwelling (including details of the colour and texture of external materials to be used);
 - (c) Landscaping including:
 - (i) an accurate plan showing the position, type and spread of all existing trees on the site and a schedule detailing

the size and physical condition of each tree and, where appropriate, the steps to be taken to bring the tree(s) to be retained to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree;

(ii) a landscape design showing the planting proposed to be undertaken; and

(iii) the arrangements to be made for the future maintenance of landscaped and other open areas.

Reason: To secure orderly development.

- 4 The dwelling shall not be sited within 8 metres of the Lymbourne Stream which is a designated main river.

Reason: An 8 metre buffer is required between the development and the watercourse to allow safe access for maintenance of the watercourse and to safeguard the conveyance and storage of flood flows, and having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The development hereby permitted shall not be occupied until a Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.

Reason: To protect the amenity of adjoining residents and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012.

- 7 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the provision to be made for a material storage compound within the site have been submitted to and approved in writing by the Local Planning Authority. The approved compound shall be available prior to the commencement of any building works and throughout the contract period, and no materials shall be stored anywhere else on the site.

Reason: To safeguard the amenities of the locality and to avoid damage to the health of existing trees, and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012.

- 8 No development hereby permitted nor any related site clearance shall commence until a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other

vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided and used only as such.

Reason: To safeguard the amenities of the locality and to avoid damage to the health of existing trees, and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012.

- 9 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.

- 10 No development hereby permitted shall commence until plans showing, in relation to the existing trees and other vegetation proposed to be retained, the layout of all foul and surface water drainage and other underground services proposed to serve that development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard against undue damage to existing trees and/or other vegetation at and in the vicinity of the site and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 11 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 buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.

Reason: To protect the amenity of adjoining residents and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 12 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 13 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the dwelling hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

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

- 14 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.

- 15 The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality and 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.

- 16 The development hereby permitted shall not be commenced unless and until a detailed ecological mitigation statement has been submitted to and approved in writing by the Local Planning Authority. The mitigation statement shall include firm details of the mitigation and enhancement measures that will be undertaken in connection with the development in light of the potential for protected species to be present at or near the site - for example, habitat creation/translocation methodologies, number and location of bat boxes, monitoring and timetables for works. The approved mitigation statement shall

thereafter be fully implemented and maintained in accordance with the approved details.

Reason: To ensure that the development has an acceptable impact on ecology/protected species and provides suitable mitigation where required having due regard to policy CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 17 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.

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

Location Plan 1:1250 - OS License number 10030848

Sound Planning Noise Impact Assessment dated 5 November 2012

Design and Access Statement received 15 January 2013

Tree Inspection Report by All Tree Solutions Ltd received 16 January 2013

Reason: - To ensure provision of a satisfactory development.