02 Application Number: APP/10/00477 Ward: Hart Plain

Site Address: 40 Hart Plain Avenue, Waterlooville, PO8 8RX
Applicant: Wilson Designer Homes Team: 2
Agent: WYG Planning Case Officer: Mrs D Haywood
8 Week Date: 29/09/2010

Reason for Committee Consideration: EHPBE referral.

Proposal: Erection of 3No. dwellings with associated parking and landscaping following demolition of existing dwelling.

EHPBE Recommendation: **GRANT PERMISSION**

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1 Site Description

1.1 The site lies on the north side of Hart Plain Avenue, Waterlooville, and comprises a rectangular shaped plot which extends to 0.12 hectares in size. A chalet bungalow sits centrally within the plot with access along the western boundary.

1.2 The site is located within a predominantly residential area, however it adjoins a Brethren meeting hall on its western boundary and beyond this is the short cul de sac of Glenmore Gardens, which serves 3No. dwellings in the grounds of a former school. Opposite is Cowplain Community School which is located to the south of Hart Plain Avenue. To the east of the site is a chalet bungalow (No. 38) which sits forward of the No. 40's building line. No. 38 has ground and first floor windows and a conservatory on the side elevation facing towards the application site. To the rear are residential properties in Silvester Road.

1.3 The front and rear gardens are flat and mainly laid to lawn with mature trees and shrubs. A 1.8m high fence and mature hedging enclose the side and rear boundaries.

2 Planning History

10/56246/002
Demolition of existing dwelling and erection of 1No. 4 bed detached house, 1No. 3 bed detached house and 2No. 3 bed semi detached houses with associated landscaping and car parking. Refused under delegated powers 23/03/2010 for the following reasons:-

1) Development of the site to the density proposed would amount to a cramped and congested layout, in that it would result in a predominance of buildings, hardstanding, provision for parking and a lack of landscaping detrimental to the character and appearance of the locality, contrary to saved Policies D1 and L7 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1.

2) The proposed development would represent an unacceptable form of backland development which would have a detrimental impact upon the amenity of the occupiers of the neighbouring residential property (No. 38 Hart Plain Avenue) and future occupants of the development. The development is therefore contrary to saved Policies D1 and PC1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1.

3) The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which, in accordance with Planning Policy Guidance 13, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. The proposal is therefore contrary to saved Policies T10 and IMP1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

03/56246/001
Raising roof of main dwelling to provide new pitched roof over property. Granted permission 22/07/2003

3 Proposal

3.1 The application seeks the demolition of the existing dwelling and construction of 2No. semi-detached and 1No. detached dwellings. The existing access into the application site would be retained but extended further into the site along the western boundary.

3.2 The 2No. 3 bed semi-detached dwellings would be sited at the front of the plot; approximately 10m back from Hart Plain Avenue. These are referred to as Plots 1 & 2 on the site layout plan. Plot 1 would be 2.2m off the eastern boundary of the site. The dwellings would have a ridge height of 7.2m with a half hipped roof. A dormer window and roof light would be inserted into the front roof slope. The dwellings would be finished in facing brickwork and flintwork. The rear gardens would be approx. 11m in length; however the cycle stores and two parking spaces would reduce the overall size of these gardens. To the front of the dwellings would be a further two parking spaces, a bin collection point and a small area of soft landscaping.

3.3 To the rear of the site would be Plot 3, a four bed detached house sited approximately 48m back from Hart Plain Avenue. Plot 3 would have a ridge height of 7.8m and an eaves height of 2.6m. It would have an attached garage, car port and two parking spaces to front. It would be finished in facing brickwork and feature brick quoining. It would have a rear garden of 11.5m depth with access to the garden from the side of the dwelling.

4 Policy Considerations

National Policies
PPS1 (Delivering Sustainable Development)
PPS3 (Housing)
Amendment to PPS3 which came into effect on 9 June 2010 and included the following changes:

- Private residential gardens are now excluded from the definition of previously developed land
- The national indicative minimum density of 30No. dwellings per hectare is deleted from paragraph 47.

When reflecting on such changes at development control level and mindful of Government statements which accompanied the PPS3 revision, it is considered that the following aspects should be taken into consideration:

- Comparative density to the surrounding built urban form
- The proportion of built coverage in relation to open space
- Maximising wildlife / biodiversity potential
- Recreation potential
- Proximity to neighbours in terms of the shape and depth of the plot
- Ease and effect of access
- Local comments on a proposed scheme

Saved Policies of the Havant Borough District Wide Local Plan 1996-2011 forming part of the Havant Borough Local Development Framework

D1 (High Quality Design)
H5 (Density of Housing Development)
H6 (Range of House Types and Sizes)
IMP1 (Financial Contributions)
L6 (Conservation and Protection of Existing Natural Features)
L7 (New Landscape Works)
PC1 (Control of Potentially Polluting Uses)
T10 (Contributions to Off Site Highway Improvements)
T9 (Provision of Vehicle Parking and Turning Facilities)

5 **Statutory and Non Statutory Consultations**

Access Officer
No adverse comments.

Development Engineer
No objection

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: 13

Number of site notices: 1

Statutory advert: N/A

Number of representations received: 2

6.1 **Summary:** Will lead to extra traffic and cars on Hart Plain Avenue. The site is opposite Cowplain Community School and the increased traffic will add to congestion and reduce safety.
Comment: The Council's Development Engineer has raised no objection to the proposal on highway safety.

6.2 **Summary:** The greenery is being taken away due to over crowding of these extra houses being built.
Comment: See section 7

6.3 **Summary:** Loss of privacy.
Comment: See section 7

6.4 **Summary:** Over development and the visual amenity of the area will be greatly altered.
Comment: See section 7 of the report.

6.5 **Summary:** There will be an increase in run off of rain water
Comment: A condition could be imposed requiring drainage details to be submitted and agreed by the Local Planning Authority.

7 Planning Considerations

7.1 The development plan identifies the main considerations in relation to the proposal as:

(i) Principle of development
(ii) Nature of development and effect on streetscene
(iii) Impact upon residential amenity
(iv) Parking and highway implications
(v) Financial contributions

(i) Principle of development

7.2 The site is located within a defined urban area where further development may be acceptable, provided it respects the environmental quality of the area and complies with the National Planning Guidance, and the policies set out in the Local Plan.

(ii) Nature of development and effect on streetscene

7.3 Developing a site in depth and the provision of access to the rear of the site can have a detrimental impact on the character of an area and the amenities of occupants, and decisions should be informed by the quality of a scheme in relation to its context. In the case of the current application, the site adjoins the Brethren meeting hall to the west and beyond this lies Glenmore Gardens, where the site has been developed in depth with access and parking extending to the rear. Additionally the site lies opposite Cowplain Community School.

7.4 In respect of the impact on the streetscene, there are views into the site from Hart Plain Avenue which contribute to the character of the area. In order to address the previous reasons for refusal the scheme has been revised and the number of dwellings reduced from 4 to 3, with an associated reduction in hardstanding. This has allowed for additional soft landscaping which would be provided within the site and along the access drive. Additionally the dwellings have been moved further from

the hedge on the east boundary of the site, and are now 2m from this boundary to allow for the retention of the existing boundary hedge. These amendments, together with the retention of the frontage trees and new planting, are considered to address the first reason for refusal of the previous application.

7.5 In terms of density, changes to Planning Policy Statement 3 include the deletion of the national indicative minimum density of 30No. dwellings per hectare from paragraph 47. However, it is still important from a Development Control perspective that the proposed density is comparable to that of the surrounding area, to ensure adequate garden space is retained. It is calculated that the proposal would achieve an average of 25 dwellings per hectare and whilst this is of greater density than the majority of dwellings along Hart Plain Avenue this, together with the built coverage, is nevertheless comparable to the development in Glenmore Gardens that lies nearby to the west.

(ii) Impact upon residential amenity

7.6 With respect to residential amenity, the adjoining property at No. 38 has ground and first floor windows and a conservatory on the side elevation facing towards the application site. Plots 1 and 2 would have a height to ridge of 7.2m and would be sited to the front of the site and positioned 2m further forward towards Hart Plain Avenue than No. 38 the neighbouring property to the east. Plot 2 is approximately 2.2m from the east boundary of the site and 5m from the side elevation of No. 38. The only first floor window in the side elevation facing No. 38 would be for the bathroom, and this would be obscure glazed. The existing hedge on this boundary would be retained, and the proposed separation and relationship to No. 38 is now considered acceptable. Plot 3 at the rear of the site comprises a chalet style dwelling and the first floor window to the front, closest to the boundary with No. 38, now comprises a bathroom and would be obscure glazed, and this relationship is considered acceptable.

7.7 With respect to the impact from the access and parking, the current application shows the parking area sited further off the boundary with No. 38, and an area of landscaping providing separation together with the retention of the boundary hedging.

7.8 These revisions which provide increased separation, and reduce the potential for direct overlooking of the garden to No. 38, are considered to address the second reason for refusal of the previous application.

7.9 Plot 3 contains first floor windows in the rear elevation but would be sited some 22m from the rear boundary, and 38m from dwellings in Silvester Road. This is considered to be a sufficient distance not to cause any loss of amenity to the properties in Silvester Road.

7.10 With respect to future occupants of the development, to the west of the site is No.42 which is used as a Brethrens Meeting Room. It was granted Planning Permission in January 2000. No planning conditions were attached to the Planning Permission restricting the hours of use of the meeting hall for Christian Worship. The building, which is served by parking to the front and rear, is currently used only on Sunday mornings and very occasionally during the week. However, the use of the site could intensify or be sold in the future. The building has a lawful D1 use and therefore could be used for a number of activities including as a day nursery, crèche, training

centre or health centre, without the need for Planning Permission. The scheme now proposes the garage to Plot 3 closest to this boundary and landscaping along this boundary would provide additional buffering and screening for the habitable accommodation proposed for Plot 3. This relationship is now considered acceptable.

(iii) Protection of Existing Natural Features & Enhanced Wildlife Potential

7.11 There are several trees, shrubs and hedgerow on the site and these would remain in situ as part of the proposal. It is considered that this will help to retain the 'garden' feel of the site. The proposal also provides new planting which enables opportunities for new habitats to be formed. Additionally, nesting boxes would be provided as part of a landscaping plan. The applicant has been asked to incorporate other biodiversity/planting suggestions. The inclusion of such proposals for biodiversity opportunities, which are greatest at the largest Plot (Plot 3), are considered to be in line with the recent Planning Policy Statement 3 amendments, which look for good design without compromising the quality of an area.

(iii) Parking and highway implications

7.12 The application proposes 2No. 3 bed dwellings and 1No. 4 bed dwelling. A total of No.7 parking spaces are provided within the site. These parking spaces meet the Hampshire County Council parking standards. The Council's Development Engineer has raised no objection to the parking provision shown on the submitted plans. The access drive is also considered acceptable and would not result in any highway danger.

(vi) Financial Contributions

7.13 Hampshire County Council adopted a Transport Contributions Policy in September 2007, and in October 2008 the Council agreed to negotiate contributions on behalf of Hampshire County Council under saved Policies T10 and IMP1 of the Havant Borough District Wide Local Plan.

7.14 In accordance with Hampshire County Council's Transport Contributions Policy, the proposal attracts a contribution of £7490. The developer is aware of this requirement and has confirmed an agreement will be completed.

8 Conclusion

8.1 Taking into consideration the recent amendments to Planning Policy Statement 3 in that gardens are now not to be considered as previously developed land, it is considered that this proposal as now submitted has regard to its context which, given the presence of the Brethren Hall and Glenmore Gardens, is somewhat different to the wider surroundings. It would comply with the PPS3 changes by taking into consideration the proximity to neighbours, site coverage and density and provides an appropriate layout with opportunities for biodiversity. Whilst tandem development is not typical of this area, in the particular circumstances of this site it is considered, on balance, acceptable.

8.2 The current proposal is considered to address the previous refusal reasons and now provides an acceptable layout in terms of relationship with neighbouring properties and the visual appearance of the streetscene.

RECOMMENDATION:

That the Executive Head – Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/10/00477 subject to

(A) the applicant entering into legally binding arrangements to secure a contribution of £7490 to the Hampshire County Council's Transport Contributions Policy; and

(B) 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 buildings hereby permitted shall not commence until samples and details of all external facing and roofing materials have been 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 saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

3 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 ensure the appearance of the development is satisfactory and having due regard to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework. .

4 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 (including hardsurfacing for the driveway to the new dwelling) proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not commence 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 saved Policies D1 and L7 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 25.

5 No development hereby permitted shall commence until a specification (including location) of the provision to be made for the storage and disposal of refuse following the commencement of use of the building hereby permitted has been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall not commence until the implementation of such provision for refuse has been completed in full accordance with such an approved specification.
Reason: To safeguard the amenities of the locality and having due regard to saved Policies D1 and PC1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

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 saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 23.

7 The development shall not be brought into use until a minimum of 3No. parking spaces for the 4/5 bed dwelling, and 2No. spaces for the 3 bed dwellings have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.
Reason: In the interests of highway safety and having due regard to saved Policy T9 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Guidance 13.

8 The premises shall not be occupied before the proposed access and the crossing of the highway verge and/or footway is constructed and laid out in accordance with the approved details.
Reason: In the interests of highway safety and having due regard to saved Policies D1 and T7 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Guidance 13.

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 saved Policies D1, PC1 and PC3 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statements 23 and 25.

10 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 General Permitted Development Order, (as amended by SI 2362 2008), shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and having due regard to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1.

11 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no alteration to the roof of any dwelling hereby approved, including the addition of windows, permitted by Part 1, Classes B and C of the 1995 General Permitted Development Order, (as amended by SI 2362 2008), shall be constructed without the prior written approval of the Local Planning Authority.
Reason: In the interests of visual amenity and having due regard to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1.

12 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 development hereby permitted shall not commence 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 saved Policies D1 and D3 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

13 No development shall hereby commence until a method statement explain how the development will be carried out in relation to the nearby trees, including the methods of protection of such trees to be employed has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried in strict accordance with the agreed method statement.
Reason: To protect the nearby trees and having due regard to saved Policy L7 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

14 Prior to the commencement of the development hereby approved, details, including a timetable, for ground clearance works and measures to be taken to avoid any risk of harm to any nesting birds and/or reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Clearance works shall only be undertaken in accordance with the details thus approved.
Reason: In the interests of biodiversity in accordance with saved Policy NC5 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Council Local Development Framework, and Planning Policy Statement 9.

15 Prior to the commencement of the development hereby approved, the following details, including a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

a) new planting to include hedging plants and any additional trees
b) bird nesting boxes

Development shall only be undertaken in accordance with the details and timetable thus approved.

Reason: in the interests of biodiversity in accordance with saved Policy NC5 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Council Local Development Framework, and Planning Policy Statement 9.

16 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows/doors or other openings shall be constructed in the west or east side elevations of plots 1, 2 and 3 for the southern (front) elevation of Plot 3 without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1.

17 The first floor windows in the side elevations of the dwellings hereby approved shall:-
(i) consist of at least two lights divided horizontally with only the top light capable of being opened, and shall be maintained in that condition at all times; and
(ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1.

Appendices:

(A) Location Plan
(B) Proposed Block Plan
(C) Proposed Elevations
(D) Proposed Floor Plans
(E) Block Plan of scheme refused under 10/56246/002
(F) Addenda/corrigenda (if appropriate)