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## DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

**Membership:** Councillor Buckley (Chairman)

Councillors Howard, Keast, Lloyd, Lowe, Satchwell (Vice-Chairman) and Patrick

**Meeting:** Development Management Committee

**Date:** 6 September 2018

**Time:** 5.00 pm

**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road,  
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Nick Leach  
Monitoring Officer

28 August 2018

Contact Officer: Nicholas Rogers 023 92446233  
Email: [nicholas.rogers@havant.gov.uk](mailto:nicholas.rogers@havant.gov.uk)

Page

### PART A - (Items Open for Public Attendance)

**1 Apologies for Absence**

To receive and record apologies for absence.

**2 Minutes**

1 - 6

To approve the minutes of the Development Management Committee held on 16 August 2018

**3 Matters Arising**

- |          |  |                  |
|----------|--|------------------|
| <b>4</b> | <b>Site Viewing Working Party Minutes</b>  | <b>To Follow</b> |
|          | To receive the minutes of the Site Viewing Working Party held on 30 August 2018  |                  |
| <b>5</b> | <b>Declarations of Interest</b>  |                  |
|          | To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting. |                  |
| <b>6</b> | <b>Chairman's Report</b>   |                  |
|          | The Chairman to report the outcome of meetings attended or other information arising since the last meeting of the Committee.          |                  |
| <b>7</b> | <b>Matters to be Considered for Site Viewing and Deferment</b>   |                  |
|          | The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.                                |                  |
| <b>8</b> | <b>Deputations</b>   |                  |
|          | To receive requests to make a deputation to Committee.   |                  |
| <b>9</b> | <b>Applications for Development and Development Control Matters</b>  | <b>7 - 10</b>    |

**Part 1 - Applications Viewed by the Site Viewing Working Party**

- |             |  |                |
|-------------|--|----------------|
| <b>9(1)</b> | <b>APP/18/00207 - Land adj Mandai, St Peters Road, Hayling Island, PO11 0RT</b>                              | <b>11 - 34</b> |
|             | Proposal: Use of Land for touring holiday/tourism caravan site and erection of utility block (Resubmission). |                |
|             | Associated Documents - <a href="https://tinyurl.com/ycbwn5tr">https://tinyurl.com/ycbwn5tr</a>               |                |
| <b>9(2)</b> | <b>APP/18/00229 - Redlands House, 38-40 Long Copse Lane, Emsworth, PO10 7UR</b>                              | <b>35 - 62</b> |
|             | Proposal: To construct 1 No. 5 bedroom dwelling with garage and associated parking.                          |                |
|             | Associated Documents - <a href="https://tinyurl.com/ycav3j7p">https://tinyurl.com/ycav3j7p</a>               |                |
| <b>9(3)</b> | <b>APP/18/00230 - Redlands House, 38-40 Long Copse Lane, Emsworth, PO10 7UR</b>                              | <b>63 - 90</b> |
|             | Proposal: To construct 1 No. 4 bedroom dwelling with garage and associated parking.                          |                |

Associated Documents - <https://tinyurl.com/y8hh7zau>

**Part 2 - Applications Submitted by Havant Borough Council  
or Affecting Council Owned Land**

None

**Part 3 - All Other Applications for Development**

None

**Part 4 - Enforcement and Other Development Control Matters**

None

**PART B (Confidential Items - Closed to the Public)**

None

## GENERAL INFORMATION

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 92 446 231**

### Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: [www.havant.gov.uk](http://www.havant.gov.uk). Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Nicholas Rogers* (tel no: 023 92446233) on the afternoon prior to the meeting for details of any amendments issued.

### Public Attendance and Participation

Members of the public are welcome to attend the Public Service Plaza and observe the meetings. If you wish to address the Committee on a matter included in the agenda, you are required to make a request in writing (an email is acceptable) to the Democratic Services Team. A request must be received by 5pm on **Tuesday, 4 September 2018**. Requests received after this time and date will not be accepted

In all cases, the request must briefly specify the subject on which you wish to speak and whether you wish to support or speak against the matter to be discussed. Requests to make a deputation to the Committee may be sent:

By Email to: [nicholas.rogers@havant.gov.uk](mailto:nicholas.rogers@havant.gov.uk) or [DemocraticServices@havant.gov.uk](mailto:DemocraticServices@havant.gov.uk)

By Post to :

Democratic Services Officer  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

marked for the Attention of the "Democratic Services Team"



# Havant

## BOROUGH COUNCIL

### PROTOCOL AT MEETINGS – RULES OF DEBATE

#### Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman
- Councillors may only take part in the debate if they are present at the meeting: video conferencing is not permissible
- A member of the Committee may not ask a standing deputy to take their place in the Committee for part of the meeting
- The report or matter submitted for discussion by the Committee may be debated prior to a motion being proposed and seconded. Recommendations included in a report **shall not** be regarded as a motion or amendment unless a motion or amendment to accept these recommendations has been moved and seconded by members of the Committee
- Motions and amendments must relate to items on the agenda or accepted by the meeting as urgent business
- Motions and amendments must be moved and seconded before they may be debated
- There may only be one motion on the table at any one time;
- There may only be one amendment on the table at any one time;
- Any amendment to the motion can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the motion.
- The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time
- Once duly moved, an amendment shall be debated along with the original motion.
- If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion on which any further amendment may be moved.
- If an amendment is rejected different amendments may be proposed on the original motion or substantive motion.
- If an amendment is lost, other amendments may be moved to the original motion or substantive motion
- If an amendment is lost and there are no further amendments, a vote will be taken on the original motion or the substantive motion
- If no amendments are moved to the original motion or substantive motion, a vote will be taken on the motion or substantive motion
- If a motion or substantive motion is lost, other motions may be moved

#### Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the

item;

- An amendment must be voted on before the motion
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A Councillor may request that his/her vote be recorded in the minutes

## **Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)

## **Disabled Access**

The Public Service Plaza has full access and facilities for the disabled.

## **Emergency Procedure**

Please ensure that you are familiar with the location of all emergency exits which are clearly marked. In the unlikely event of an emergency an alarm will sound.

PLEASE EVACUATE THE BUILDING IMMEDIATELY.

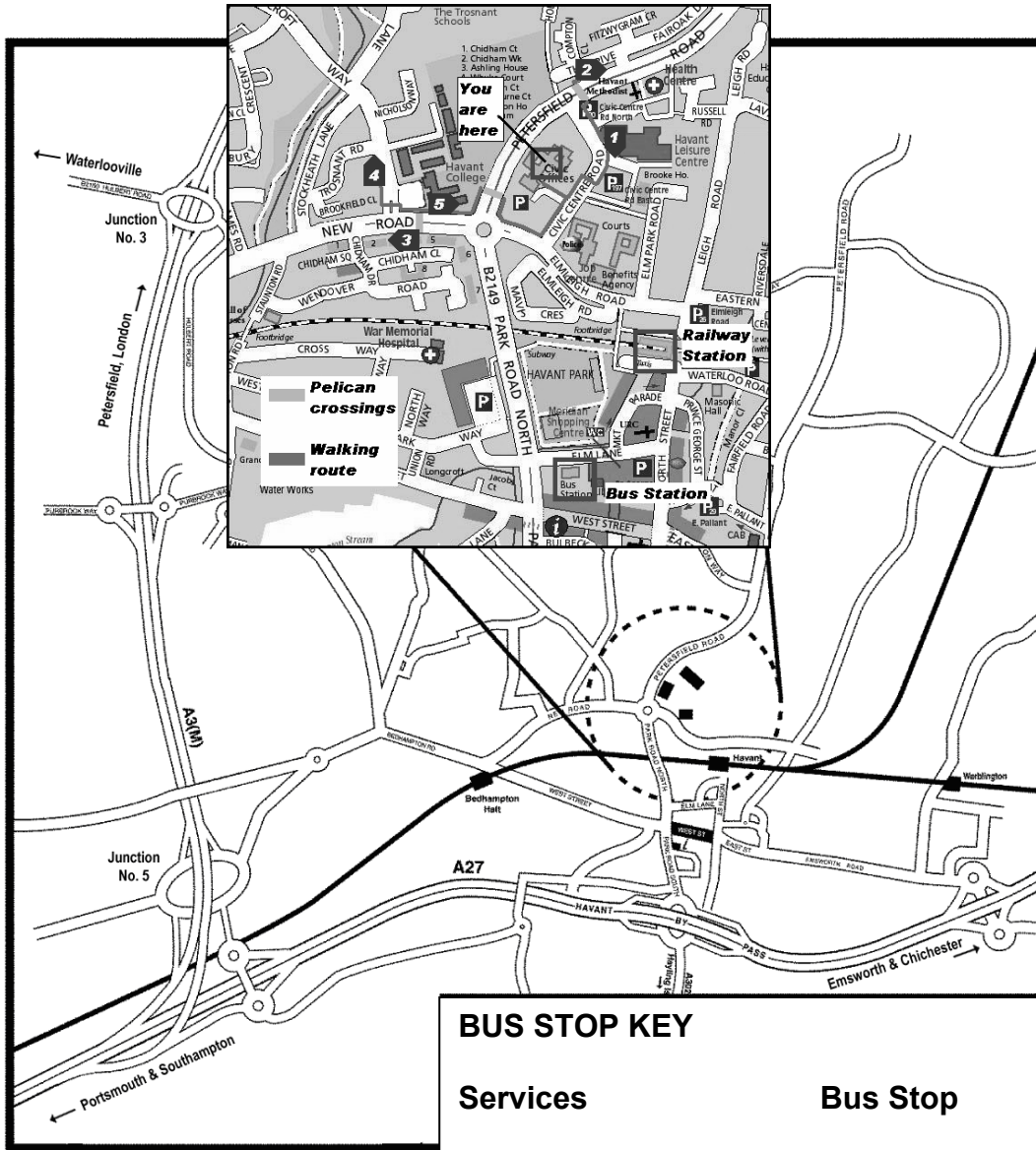
DO NOT RE-ENTER THE BUILDING UNTIL AUTHORISED TO DO SO

## **No Smoking Policy**

The Public Service Plaza operates a strict No Smoking policy in all of its offices, corridors, meeting rooms and toilets.

## **Parking**

Pay and display car parking is available in the Leisure Centre car park opposite the Civic Offices as shown on the attached plan.



**BUS STOP KEY**

Services	Bus Stop
20, 21, 39, 63	1
20, 21, 36**, 39	2
23, 36**	3
23, 27**, 37	4
23, 27**, 36**, 37	5

\*\* - also stops "hail and ride" opposite Stop 1 in Civic Centre Road



Public Service Plaza  
 Civic Centre Road  
 Havant  
 Hampshire PO9 2AX



## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 16 August 2018

Present

Councillor Buckley (Chairman)

Councillors Keast, Lloyd, Lowe, Satchwell (Vice-Chairman), Patrick and Crellin (Standing Deputy)

Other Councillors Present:

Councillor(s): Pike and Robinson

### **33 Apologies for Absence**

Apologies for absence were received from Councillor Howard

### **34 Minutes**

The minutes of the meeting of the Development Management Committee held on 10 July 2018 were agreed as a correct record and signed by the Chairman.

### **35 Matters Arising**

There were no matters arising.

### **36 Site Viewing Working Party Minutes**

The Committee received the minutes of the Site Viewing Working Party held on 9 August 2018.

### **37 Declarations of Interest**

There were no declarations of interest.

### **38 Chairman's Report**

The Chairman reminded the Committee that it was important to attend Development Consultation Forums, as these provided an opportunity to give feedback to developers on potential applications.

The Chairman also reported that there would be a West of Waterlooville Major Development Area Joint Planning Committee held at 3pm on Wednesday 29 August 2018.

### **39 Matters to be Considered for Site Viewing and Deferment**

There were no matters to be considered for site viewing and deferment.

#### 40 Deputations

The Committee received the following deputation request:

(1) Mrs Gratton – APP/18/00443 – 31 Blendworth Crescent, Havant

#### 41 APP/18/00443 - 31 Blendworth Crescent, Havant

Proposal: Subdivision of site to create two bedroom bungalow formed from the alteration and extension of existing ground floor addition and rear access and parking.

The Committee considered the written report and recommendation of the Head of Planning to grant permission.

The Committee received supplementary information, circulated prior to the meeting, which reported the receipt of due ecological fees and updated the recommendation.

The Committee was addressed by the following depute:

(1) Mrs Gratton, who objected to the application for the following reasons:

- a) The application would result in loss of light to her property; and
- b) Due to close proximity of the proposal to her property, the proposed development would be oppressive and detrimental to the visual amenities and the quiet enjoyment of her property.

Following the deputation, the Chairman invited members to ask questions of officers regarding the report and proposal. In response to these questions it was advised that:

- The application would lead to some loss of light for the neighbouring property but it was considered to be at an acceptable level.
- Alternative arrangements for refuse collection were available, with possible collection on Soberton Road.

The Committee then considered the proposal, taking into account the responses from officers, points raised by the deputations and the recommendation to grant permission.

During the debate, members raised concerns over increasing the density of buildings in the area and compounding issues relating to loss of sunlight to neighbouring properties.

However, the majority of the committee were minded to approve the application, as the majority of the building bulk was already on the site and the design of the roofing offset the loss of light to an extent. It was therefore

RESOLVED that APP/18/00443 be granted subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan Drawing No: C3298-1 rev A  
Proposed Plan Drawing No: C3298-9  
Proposed Elevations Drawing No: C3298-10 rev A  
Proposed Block Plan Drawing No: C3298-12 rev B

**Reason:** - To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

**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.

- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows / doors or other openings shall be constructed within the west elevation of the hereby approved bungalow without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of the amenities of the occupiers of adjacent properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions, alteration to the roof, including the addition of roof lights or dormers, or outbuildings permitted by Schedule 2, Part 1, Classes A, B, C and E of the 2015 Order, or as amended, shall be constructed within the curtilage of both No 31 and the hereby approved bungalow, without the prior approval of the Local Planning Authority. .

**Reason:** To protect neighbouring residential amenity and adequacy of amenity space for future occupiers, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve both No 31 and the hereby approved bungalow shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

**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.

#### 42 APP/18/00277 - Land on south side of Mill Rythe Lane, Hayling Island

Proposal: Change of use application for use of the land to a vehicle parking compound including the retention of 2No. metal containers and erection of a palisade fence along the fronting Mill Rythe Lane. (Retrospective application).

The Committee considered the written report and recommendation of the Head of Planning to grant permission.

The Committee received supplementary information, circulated prior to the meeting, which set out the response to a query raised at the Site Viewing Working Party in relation to vehicle movements.

During the debate, members discussed the impact on the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and were minded to grant permission as the application would have a limited impact upon the AONB.

It was considered however that Portuguese Laurel was not desirable for use at the site and the landscaping plan should be resubmitted with the use of native species in the planting around the palisade fencing. It was therefore

RESOLVED that the Head of Planning be authorised to grant permission for APP/18/00277 subject to:

(A) The submission of a revised landscaping plan in a form satisfactory to the Head of Planning which secures the use of native species in the screen planting proposed along the Mill Rythe Lane frontage; and

(B) the following conditions:

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

DN: 21804/101 - Existing location plan and proposed block plan  
Resubmitted landscaping plan as referred to in (A) above.

**Reason:** - To ensure provision of a satisfactory development.

- 2 The landscaping works shown on the resubmitted landscaping plan as referred to in (A) above shall be carried out in accordance with the approved details within two months of the date of this planning permission, or such other date as may be agreed in writing by the Local Planning Authority. Any trees, hedging or plants planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, hedging or plants of similar size and species to those originally required to be planted.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

**The meeting commenced at 5.00 pm and concluded at 6.15 pm**

.....  
**Chairman**

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## HAVANT BOROUGH COUNCIL

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### Development Management Committee

### APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE HEAD OF PLANNING

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#### **Applications to be determined by the Council as the Local Planning Authority**

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Development Management Committee.

***Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon prior to the meeting of the Development Management Committee.***

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal. The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

HPS	Head of Planning Services
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	Havant Borough Council Conservation Area Review
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
LB	Listed Building included in the list of Buildings of Architectural or Historic Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention
SSSI	Site of Special Scientific Interest
FP	Definitive Footpath
POS	Public Open Space
TPO	Tree Preservation Order
HBC	Havant Borough Council
GPDO	Town & Country Planning (General Permitted Development) Order
DMPO	Town & Country Planning (Development Management Procedure)(England) Order 2010 amended
UCO	Town & Country Planning (Use Classes) Order
S106	Section 106 Agreement
Ha.	Hectare(s)
m.	Metre(s)

## RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

### **Implications**

#### **Resources:**

None unless detailed in attached report.

#### **Legal:**

Details set in the individual reports



**Strategy:**

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

**Risks:**

Details set out in the individual reports

**Communications:**

Details set out in the individual reports

**Background Papers:**

Individual Applications with Case Officers

Simon Jenkins  
Head of Planning

Nick Leach  
Monitoring Officer

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refusal.

To conclude, in assessing the proposal (including associated evidence) against the adopted Local Plans and the National Planning Policy Framework (NPPF) it is considered that whilst the proposal is a departure from the Development Plan, the application is recommended for permission because it is a sustainable form of tourism development appropriately located in the countryside and at a scale which supports the local economy of Hayling Island and represents sustainable development, subject to appropriate controls through conditions and legal agreement.

## **1 Site Description**

The site is located to the south of the residential curtilage of the dwellinghouse known as Mandai. Mandai is one of a linear form of residential properties, made up of detached dwellings, to the north of the site. To the west and south of the appeal site are open agricultural fields. St Peters Road runs along the eastern boundary of the site, beyond which is additional agricultural land.

- 1.2 The site is enclosed by mature planting to all boundaries, with the addition of timber fencing between the boundary of Mandai and the application site. The site also benefits from vehicular access onto St Peters Road in the south-east corner of the site.
- 1.3 The site has recently had two touring caravans on the site, one towards the front boundary of the site and the second more centrally positioned. In addition to the touring caravans there is a Wendy house, used for play, an enclosed hot tub, a timber shed like structure containing a shower, toilet and washing machine, a storage container with building equipment inside to the far west of the site, a white van, electric connection, decked area in front of the central caravan and additional hardstandings. These are all unauthorised, and are outlined in more detail in paragraph 2.4.
- 1.4 The site is located outside of the settlement boundary within a rural setting, and is within the defined 'Non-Urban' area, as defined by the Havant Borough Local Plan (Allocations) 2014. The site is within Flood Zone 1, although the access and adjoining road fall within Flood Zones 2 and 3.
- 1.5 The site has an extensive planning history, including regarding Enforcement Action, which is outlined in detail below.

## **2 Relevant Planning History**

### Planning History

- 2.1 APP/17/00942 - Use of land for touring caravan site and alteration of access. Application withdrawn 30/01/2018.
- 2.2 APP/14/00999 Application for lawful development certificate relating to existing use of land as leisure plot. Refused 21 January 2015 – No appeal lodged.
- 2.3 05/60059/000 Outline application for construction of a chalet bungalow with/without shared access - Refused 24 May 2005.

Appeal Dismissed – 02 March 2006 – APP/X1735/A/05/1192877  
High Court Challenge – Withdrawn – 11/07/2006

## Enforcement History

### 2.4 13/00262/CMP Alleged unauthorised use of land.

Following an enforcement investigation, a Planning Enforcement notice was served in respect of the site on 27 May 2016, which was appealed and was the subject of a Public Inquiry.

The matters which appeared to constitute the breach of planning control were, within the last 10 years, the change of use of the Land to use as a leisure plot with ancillary development. In addition to the unauthorised development the following ancillary items were on the land in breach of planning control:

- (a) The siting and use of two caravans
- (b) The parking and storing of vehicles on site
- (c) The siting of a storage container
- (d) Associated ancillary development including CCTV installation, hardstandings, decking, patios, siting of hot tub, siting of timber shed, chimnea and skips, kerbing and play house.

### 2.5 The requirements of the notice were to:

1. Permanently cease the use of the Land as a leisure plot.
2. Permanently remove all vehicles parked and stored on the Land.
3. Permanently remove boat and trailer parked and stored on the Land.
4. Permanently remove the storage container from the Land
5. Permanently remove the caravans from the Land
6. Permanently remove all associated development and paraphernalia from the Land, including CCTV installation, hardstanding and patios, hot tub, timber sheds, decking, chiminea, skips, bench, picnic table, kerbing and playhouse.
7. Re-instate the Land to its original undeveloped condition prior to the breach of planning control.

### 2.6 The time period for compliance with the notice was for 3 months from the date it took effect.

### 2.7 The notice would have taken effect on 1st July 2016, but was held in abeyance pending the outcome of the appeal.

### 2.8 The appeal was made on three grounds; (d), (f) and (g). **Ground (d)** that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. **Ground (f)** that the steps required to comply with the requirements of the notice were excessive, and lesser steps would overcome the objections. **Ground (g)** that the time given to comply with the notice was too short. It is important to note that the grounds of appeal **did not** include ground (a), which refers to an opinion that planning permission should be granted for the proposal. As such the Inspector did not consider whether Planning Permission should have been granted, and only considered those matters contained under grounds (d), (f) and (g).

### 2.9 The appeal was dismissed, with the Enforcement Notice Varied and upheld, on 2 May 2017, for the following reasons: Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. The Inspector did not consider that the appellant had proven on the balance of probability that no material change of use requiring planning permission had occurred since 23 September 2004. The evidence indicates that a material change of use occurred in or

around 2009/2010 from use as a garden detached from a dwelling to use as a leisure plot with ancillary development. As this represents development for which planning permission is required, the current use of the land is unauthorised. The appeal on ground (g) therefore was dismissed.

Ground (f) - An appeal on this ground is that the steps exceed what is necessary to remedy the breach of planning control. The Inspector concluded that the requirements did not exceed what was necessary to remedy the breach of planning control and did not preclude the appellant doing what he is lawfully entitled to do in the future once the notice has been complied with.

Ground (g) - An appeal on this ground is that the compliance period is too short. The Inspector outlined that the three-month compliance period specified in the notice would place the appellant in some difficulty bearing in mind his personal circumstances. Instead, the Inspector considered a compliance period of 6 months to be more appropriate and varied the compliance period of the notice to this effect.

As such the requirements of the Enforcement Notice should have been complied with by **2 November 2017**. To date, whilst some clearance has taken place on the site, full compliance with the Notice is yet to be achieved.

### **3 Proposal**

- 3.1 The application is for the Use of Land for touring holiday/tourism caravan site and erection of utility block. The application proposes that the number of pitches would be restricted to three, with it being anticipated that those using the site would stay for 1 or 2 weeks, using the site as a base to explore the local area.
- 3.2 The proposal would be utilising some of the existing hardstandings for the caravans, which would be restricted to concrete strips to form a hard surface under the wheels, while retaining the rural appearance of the site.
- 3.3 The site already has electricity and water supplies. Toilet and shower facilities would be provided near the entrance in the form of a small building. These would be connected to the main sewer, in order to ensure that the site is appropriately drained. The application outlines that no additional facilities to be brought on to the site
- 3.4 The application form and drawings have been submitted with:
  - A Design & Access Statement including management plan of the facility
  - Transport Statement
  - Flood Risk Assessment
  - Ecology Assessment

### **4 Policy Considerations**

National Planning Policy Framework 2018

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)

CS5	(Tourism)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## **5 Statutory and Non Statutory Consultations**

### **Coastal Engineering, Havant Borough Council**

I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development, but are able to offer the following comments and advice; The site is shown to currently lie within the Environment Agency's Flood Zone 1, and is therefore considered to be at low risk (<1:1000 year/0.1% annual probability) of experiencing an extreme tidal flood event. However, from 2085 onwards, increasing portions of the site are predicted to lie within Flood Zone 3, and the site will therefore be at risk of experiencing a 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal flood level for Chichester Harbour is 3.4mAOD, increasing to a predicted 4.5mAOD by the year 2115, due to the effects of climate change.

As stated within the Planning Statement submitted by the applicant, access and egress for the site along St Peters Road is located within Flood Zone 3. Therefore, it will be necessary for occupants of the site to remain on-site in the event of an extreme tidal flood until any water has receded.

The ESCP strongly recommend that where practicable to do so, flood resistance and resilience measures be incorporated into the site and the caravans occupying the site. We also advise that all occupants of the site sign up to the Government's Flood Warning Service and prepare a Flood Warning and Evacuation Plan in accordance with advice from the Environment Agency, to ensure that adequate warning is received prior to an extreme tidal flood event.

### **Council's Ecologist**

The application is accompanied by an Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018). The application site itself is clearly unsuitable for supporting wintering birds and there is considered to be sufficient vegetation screening present for visual disturbance not to be an issue. I am content that the issue of potential impacts to overwintering birds has been addressed.

The site is also considered to offer some potential for supporting common reptiles and nesting birds. Some general recommendations are provided for ensuring that ecological impacts continue to be avoided.

If you are minded to grant permission can I suggest that ecological mitigation measures

are secured by condition:

*Development shall proceed in accordance with the ecological mitigation measures detailed within the Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018) unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

### **Southern Water**

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example “The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.”

The applicant is advised to discuss the matter further with Southern Water.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, an informative is attached to the consent. Please note our public records do not show a public foul sewer within St Peters Road.

### **Environment Agency**

The Environment Agency has no objection to the proposed development as submitted.

#### Advice to Local Planning Authority

Due consideration should be given by Havant Borough Council to the acceptability and adequacy of rescue or evacuation arrangements and the provision of and adequacy of a temporary refuge. These are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development.

The applicant has demonstrated through the FRA that they understand the requirement for flood emergency planning including flood warning and evacuation of people. A Flood Warning and Evacuation Plan was not submitted with this application however the applicant is prepared to produce this. The FRA comments that the evacuation plan would involve towing the touring caravans off the site. However, this may not be possible due to the potential lack of access to the site during an extreme flood event. The potential lack of access should be addressed through a site specific flood management plan which would need to be agreed with the LPA.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

The FRA states that during an extreme event, guests would potentially have suitable shelter on the site as the proposed hardstanding areas for the three caravans are to be located in Flood Zone 1 which has a low annual probability of river and sea flooding.



The LPA should consider whether the proposed location of the caravans can provide suitable shelter until flooding on the road frontage has fallen to a safe level.

If the LPA is not satisfied, taking into account all relevant considerations, that the proposed development can be considered safe without the provision of safe access and exit then planning permission should be refused.

**Environmental Health Manager**

I do not have adverse comments to make, however, due to the purpose of the site and range of occupants that may occupy the site for short period of time, and on holidays, I have concerns about noise that may be produced. The applicant has not discussed this issue, so I have little information to base this comment. However, should any complaints be received, Environmental Health will use its powers under the Environmental Protection Act 1990 to deal with any noise nuisance that may occur. The owner of the site must be made aware that should any local residents do complain to Havant Borough Council, an investigation will be initiated to determine whether a statutory noise exists and an abatement notice may be served on the person allowing the nuisance to take place (the land owner) requiring him/her to take such a steps as are necessary to prevent further nuisance.

Further the applicant must be made aware that he/she will require a site licence to operate the site as a caravan site. the applicant must ensure that all amenities are up to current standards and proper and adequate fire separations between the "pitches/caravans" must be introduced and thereafter maintained.

**Highways Engineer, Development Engineer**

The Highway Authority have no adverse comment to this application subject to provision of the sight lines shown on submitted plan number Hayling03 date 26 September and the engineering works referred to in the Transport Statement.

**Planning Policy,**

Notwithstanding the site's location outside of the urban area, the proposal has the potential to support small scale rural tourism development. As such, subject to appropriate conditions to secure the safety of development from residual flood risk throughout its lifetime, there is no policy objection to the development.

**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: 14

Number of site notices: 1

Statutory advertisement: 10/08/18.

Number of representations received:

**Objections: 8, including North East Hayling Residents Association**

Summary of planning issues raised:

- 6.1 Adverse impact on the character of the area and the amenity of local residents. This is a very rural site with no surrounding businesses or offices which spoil the landscape. If this development is allowed it will in time lead to further development.
- 6.2 The site was meant to be cleared by the current owners and many villagers are unsure why HBC have not enforced this Notice. There are no grounds for this application to be permitted, in view of the outstanding enforcement notice and the fact that this is a garden site.
- 6.3 The three current caravan sites in the road are indeed within walking distance to a pub, this site will not support local business. There are already adequate facilities with 2 caravan sites further down the road on more appropriate sites.
- 6.4 The fact that there is a pumping sewer across this site and it is in a flood zone is against HBC development plan.
- 6.5 Highway Safety and Traffic - Although there is a traffic assessment provided with the application, the site itself is on a very narrow winding part of the road with traffic often travelling well above the speed limit. The proposed access route from Northney Road is in places particularly narrow especially through the village itself with very limited room to pass 2 normal cars, certainly not a touring caravan - with the limited site access and nature of the roads, this application will cause dangerous conditions.
- 6.6 Design, appearance and layout - the site is not suitably located, there does not appear to be any restriction on occupancy. From the road, this site would be extremely out of keeping - although the application says it cannot be seen from the road this is incorrect. This application is a commercial activity which will generate noise, congestion and a hazard within a residential area. There is no tourist need for this site as there are 2 other adequate, more suitable sites along the same road towards the south end.

#### **1 letter of support**

- 6.7 Support the application and think this will be a great use of the site. As owner of the Farm Shop on the main road our business relies on tourist trade who have a tendency to shop little and often in our shop.

## **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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on highways
- (v) Impact on flooding
- (vi) Impact on ecology
- (vii) Impact on drainage
- (viii) Enforcement history

(i) Principle of development

- 7.2 Policy AL2 and Policy CS17 of the adopted Local Plan seek to concentrate development in the defined urban area. The application site lies outside the urban area and would therefore be contrary to these policies, unless there is an overriding need for it to be located within the countryside.
- 7.3 Policy CS5 of the adopted Local Plan supports appropriate development proposals that provide hotel and other types of tourist accommodation in principle. This is supplemented by paragraph 83 of the National Planning Policy Framework 2018 (NPPF) which states that in order to promote a strong rural economy, local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This could include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.
- 7.4 The planning guidance provided by Visit Britain and Visit England indicates tourism sites must be easily accessible for visitors, and where possible enable sustainable travel. It is however, acknowledged that many small-scale rural tourism developments are car dependent, but the use of the car does not make the proposal unsustainable. Encouraging greater domestic tourism has the potential to support jobs in rural areas, reducing out commuting.
- 7.5 The submitted Planning Statement also indicates the site would be restricted to three touring caravans and “those using the site would stay for 1 or 2 weeks” (paragraph 5.18). In this respect, though the proposal is for the change of use of the land to a touring caravan site, in order to ensure that the touring caravans do not become permanent residential accommodation owing to their location away from local services or owing to their form and setting, appropriate controls need to be in place to control this. The former Good Practice Guide on Planning for Tourism (GPGPT), now withdrawn and replaced by the NPPF, which provides similar advice, recommended conditions to allow all year holiday use and prevent residential use of holiday/touring caravans, subject to appropriate controls.
- 7.6 The former Guide records that tourism is increasingly a year-round activity and that such a spread of demand for self-catering accommodation is advantageous to local economies, but recognises that occupancy conditions are reasonable to preclude permanent residential use. It is therefore considered that given the evolving nature of the tourism market flexibility is required to respond to an evolving tourist and day visitor market. As such it is considered in this instance that subject to suitable conditions and a legal agreement, which would limit the number of touring caravans permitted on the site and ensure that the site is used for tourism/holiday purposes and therefore not result in the creation of permanent residential dwellings, that the use of the site in the manner proposed would be consistent with the approach set out in the Guide and the NPPF.
- 7.7 As such it is considered that the principle of development is considered acceptable, subject to relevant conditions and legal agreement, as both national policy and development plan policies consider that tourism facilities are appropriate in the countryside, provided they do not harm protected landscapes and environmentally sensitive areas, which is considered in detail below.

(ii) Impact upon the character and appearance of the area

- 7.8 From St Peters Road the site is largely hidden when approaching from both directions

by existing vegetation and the neighbouring buildings at Mandai, although there are views in through the access. The introduction of the touring caravans in combination with the proposed utility block will therefore have an impact upon the character and appearance of the locality. To that end views through to the touring caravans from the main road are likely to be achievable. It is also reasonable to assume that once the site is further established that more domestic paraphernalia might accumulate on the site further detracting from the openness of the location. However, views of the site would have to be actively sought; it would not be directly evident to users of the road, or passers-by, that the site is being used as a touring caravan site. Furthermore, touring caravans are of limited height, and from going along St Peters Road beyond the site entrance, the touring caravans and ancillary block would only be glimpsed, given the combination of mature trees and hedging on the front (eastern boundary) and close boarded fencing, behind the landscaping.

- 7.9 Therefore, whilst it is accepted that the proposed use would cause some harm to the openness of the countryside location, it is well screened and the impacts would be limited. In reaching this conclusion, account has been taken of the opportunity to introduce additional landscaping within and around the site, which is proposed to be secured by condition. Whilst native species are likely to take some time to establish, these would, in time, reinforce the well-established screening which already exists, particularly on the eastern boundary with St Peters Road.
- 7.10 Whilst it is acknowledged that the landscape impact could be improved in the longer term through additional landscaping, there are still concerns regarding its wider visual impact from neighbours and the Residents Association. However, given the proximity of the site to existing built form; its sensitive design, layout and scale; provision of a tourism use and its subsequent contribution towards the wider economy of the district; it is considered that on balance the landscape impact, whilst altered, is not so detrimental when weighed up against the other elements outlined in this report as to warrant a refusal of this application.
- 7.11 It is acknowledged that there is a need for control over night sky pollution and that no lighting should be installed unless necessary and justified accordingly. A condition would control external lighting on the site and would be subject to the agreement of the LPA.

(iii) Impact upon residential amenity

- 7.12 The proposed development has the potential to have a detrimental impact on the amenities of neighbouring residents to the north along St Peters Road, through the potential of visitors to cause noise and disturbance unless these activities are carefully managed particularly given the proximity of the site. To address these concerns, the application has been submitted with an operational management plan which outlines how the site would be managed and controlled, and further outlines measures to control arrivals, waste and noise management and how occupiers can contact the site owner, if any issues arise. This management plan has been considered by the Environmental Health team, who have raised no objection to this application, subject to the imposition of relevant conditions requiring the site to be managed in accordance with these measures.

(iv) Impact on highways

- 7.13 In considering the highway issues arising from the application it is considered that two aspects need to be taken into account - firstly the ability of the site to accommodate the parking and turning movements, including provision of adequate visibility when

using the existing access onto the highway associated with the proposed uses; and secondly the appropriateness of the site's location in terms of the access to and impact on the wider highway network.

- 7.14 On the first issue it is considered that the submitted site layout plan satisfactorily demonstrates that the car and touring caravan parking, turning and access requirements associated with the proposed use can be accommodated on the site without prejudicing highway safety and is acceptable to the Development Engineer.
- 7.15 In terms of traffic generation, the application is supported by a Transport Statement. This highlights that this development would not generate a significant number of additional journeys and whilst some additional movements might be expected, these would be expected outside of peak network operation hours. The Development Engineer has reviewed the application and has noted that the numbers of trips would not generate a significant number of additional of vehicular movements along St Peters Road and raises no objection. The National Planning Policy Framework outlines that proposals would have to have proven severe cumulative harm on the highway network, in order for applications to be refused for highway reasons. As such while the development will lead to some additional vehicle movements in the vicinity of the site, they are not considered to be of a degree that would be detrimental to the safety and free flow of the surrounding highway network and would not justify a reason for refusal on this issue.

(v) Impact on flooding

- 7.16 The main body of the application site lies within flood zone 1, which has the lowest probability of flooding. However, parts of the access and St Peters Road lie in parts of flood zones 2 and 3. The applicant has demonstrated through their Flood Risk Assessment that they understand the requirement for flood emergency planning including flood warning and evacuation of people, if the areas in flood zone 3 are inundated in a flood event. A Flood Warning and Evacuation Plan was not submitted with this application however the applicant is prepared to produce this. The FRA comments that the evacuation plan would involve towing the touring caravans off the site. However, this may not be possible due to the potential lack of access to the site during an extreme flood event. It is considered that the arrangements required during such an event, which would be tidal and therefore time-limited, can be addressed through a site-specific flood management plan which can be secured through appropriate conditions. This approach which is supported by both the Environment Agency and Eastern Solent Coastal Partnership who raise no objection to this application.

(vi) Impact on ecology

- 7.17 The application is accompanied by an Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018). The application site itself is clearly unsuitable for supporting wintering birds and there is considered to be sufficient vegetation screening present for visual disturbance not to be an issue. As such it is considered that the issue of potential impacts to overwintering birds has been addressed.
- 7.18 The site is also considered to offer some potential for supporting common reptiles and nesting birds. Some general recommendations are provided for ensuring that ecological impacts continue to be avoided, these can be secured through ecological mitigation measures by a condition, as recommended by the Council's Ecologist.

(vii) Impact on drainage

- 7.19 Southern Water have responded to this application, outlining that a public foul rising main crosses the site. As such given the limited degree of development in that area, it is considered appropriate to apply a condition to ensure that the public sewer is protected during construction and for an ongoing period.

(viii) Enforcement history

- 7.20 The site has had a complex enforcement history, with the previous enforcement appeal being dismissed by the Planning Inspectorate on 2 May 2017. As noted in the planning history, the appellant appealed the Enforcement notice on three grounds; (d), (f) and (g). Ground (d) refers to, at that time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. Ground (f) that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. Ground (g) that the time given to comply with the notice is too short. It is important to note that the grounds of appeal did not include ground (a), which refers to that planning permission should be granted for the proposal.
- 7.21 Local residents are concerned that allowing the proposed development would invalidate the recent dismissed appeal and set a precedent for similar development to take place on the adjoining land. However, there is no substantiated evidence that any such development is proposed. Moreover, any such proposals, including this application, have to be considered on their own merits having regard to adopted policy at the time and all other material considerations. The enforcement history of the site is therefore not a reason to refuse permission for this scheme.

## **8 Conclusion**

- 8.1 It is recognised there is a balance to be taken in determining this proposal. In considering whether the presumption in favour of sustainable development is satisfied the economic, social and environmental aspects of the proposal must be weighed. The development lies outside of the built-up area, however it is accepted that this is a tourism development, which is appropriately located in the countryside and at a low key scale which supports economic development in form of providing further tourism facilities on Hayling Island.
- 8.2 In addition, any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area. It has also been concluded that the development would not have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site. Furthermore, it is not considered to have a significant adverse impact on neighbour amenity or protected species, subject to appropriate conditions.
- 8.3 In conclusion, having regard to the presumption in favour of sustainable development and the requirements of the NPPF, that planning permission should be granted for such development unless any other material considerations indicate otherwise, it is considered that there are benefits from the environmental, social and economic dimensions that can be captured from this proposal, and as such the proposal does constitute sustainable development. Accordingly, in what is a challenging balance of sustainable development principles, the application is recommended for permission.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00207 subject to: -

(A) a Section 106 legal agreement to control the number of touring caravans and manner of occupancy; and

(B) the following conditions (and any others that the Head of Planning considers necessary to impose prior to the issuing of the decision):

- 1 The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

PROPOSED BLOCK PLAN HAYLING 02

SITE PLAN - HAYLING 03

LOCATION MAP - HAYLING 04

Proposed elevations of utility block HAYLING 05

Flood Risk Assessment dated 21 December 2017

Transport Statement

Ecological Assessment of Impacts on Brent Geese Report - January 2018

Design and access statement, which includes the management plan of the site (Paragraphs 5.25 – 5.27)

**Reason:** - To ensure provision of a satisfactory development.

- 3 The holiday touring caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

**Reason:** To ensure that control over the development and that the caravans do not become separate residential dwellings in accordance with policy DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and NPPF.

- 4 There shall be no more than 3 touring caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on the site at any time,

**Reason:** To ensure that control over the development and that level of development on the site, given its sensitive location in accordance with policies DM4, DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014.

- 5 No development shall take place until a Site Development Scheme has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on any of the previously submitted plans, the Site Development Scheme shall include details of:
- (a) the positioning of the proposed touring caravans;
  - (b) all boundary treatments;
  - (c) all parking and hardstanding areas;
  - (d) all external lighting;
  - (e) any proposed new landscaping, planting, seeding or turfing;
  - (f) the proposed means of foul water disposal; and
  - (g) a timetable for the implementation of the above works.

The approved Scheme shall have been carried out in full, and completed in accordance with the approved timetable. unless otherwise agreed in writing by the Local Planning Authority. Following the implementation of the approved Site Development Scheme specified in this condition, the works thus carried out shall thereafter be retained and maintained, and shall remain in use throughout the lifetime of the development.

**Reason:** To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 6 Details of external lighting to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To protect the amenity of future residents, create an appropriate public realm, and conserve the character of the area in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the NPPF.

- 7 Development shall proceed in accordance with the ecological mitigation measures detailed within the Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be permanently retained and maintained in accordance with the agreed details

**Reason:** To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011, in order to provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, NPPF, Policies DM23 and DM24, CS21 of the Havant Borough Local Plan (Allocations) 2014, and the NPPF.

- 8 Prior to the occupation of any relevant part of the permitted development, a Flood Warning and Evacuation Plan to ensure the safety of residents/occupiers in the event of a flood or tidal occurrence shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the approved details.

**Reason:** To ensure the safe evacuation of residents in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework



(NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 Prior to the commencement of development, details including methods of protection in order to protect the public sewer which runs across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**Reason:** To ensure adequate provision for drainage in accordance with the NPPF and in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011

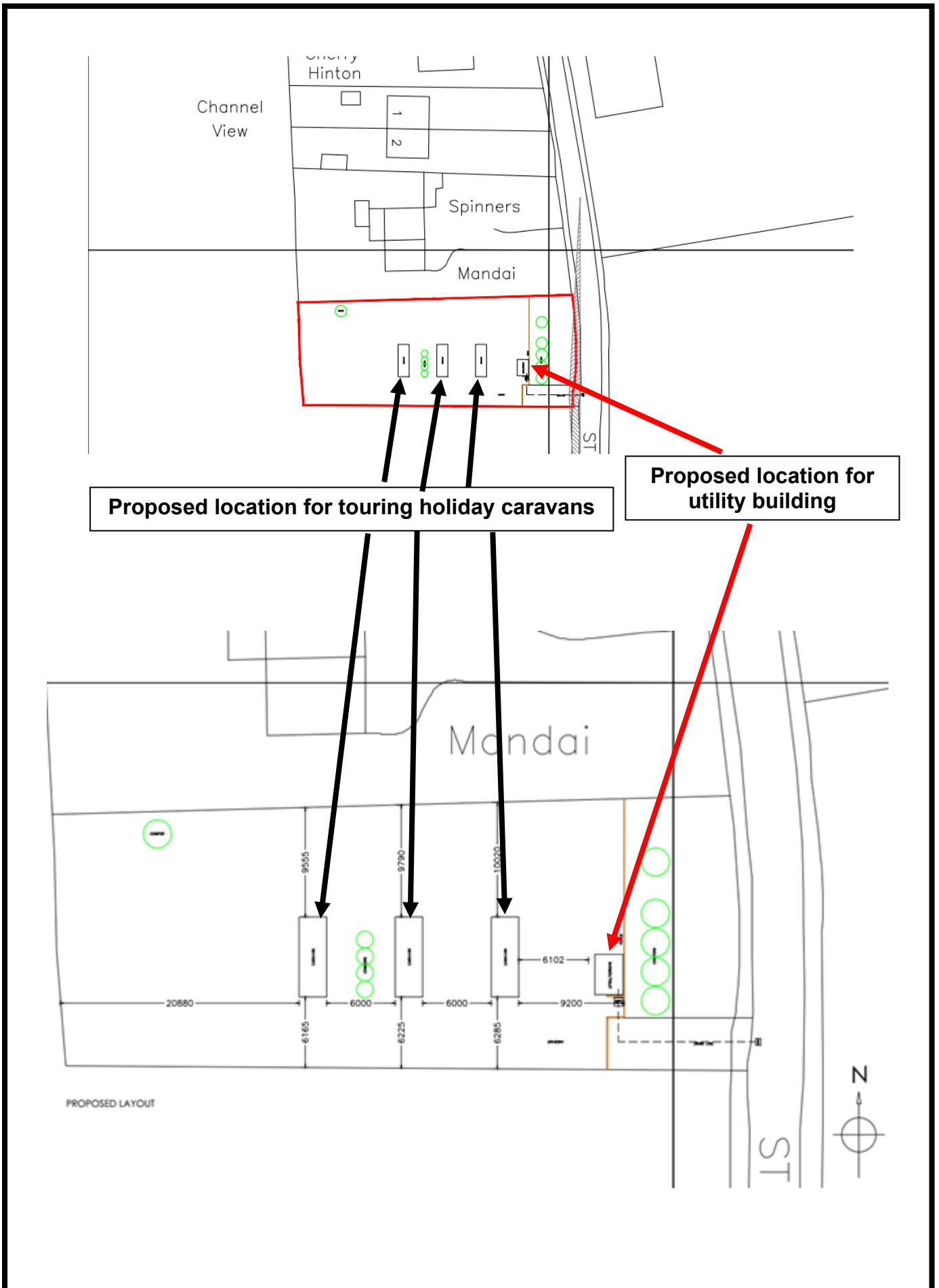
**Appendices:**

- (A) Location Plan
- (B) Site layout plan and block plan
- (C) Existing block plan
- (D) Proposed elevation and floorplan of utility building

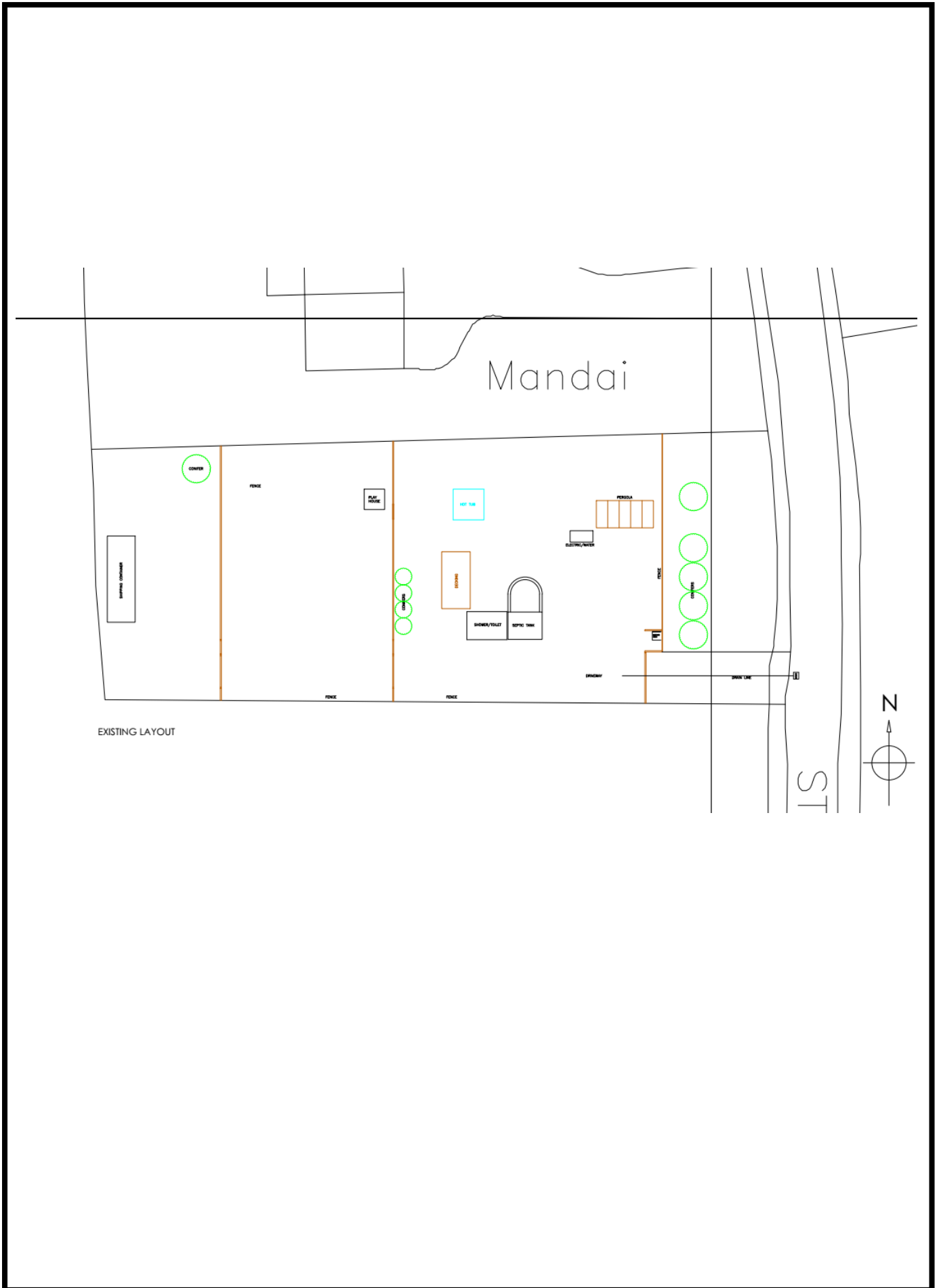
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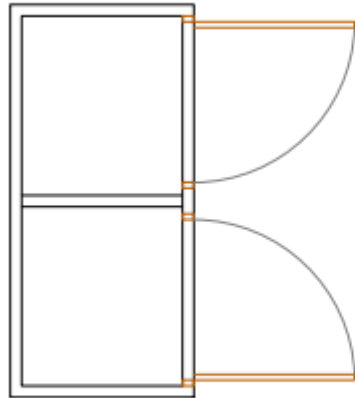
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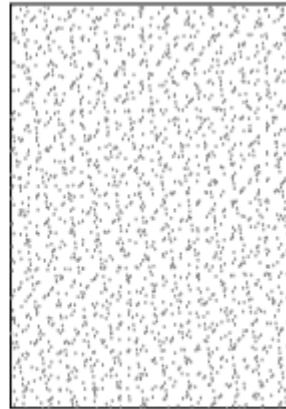
EXISTING LAYOUT

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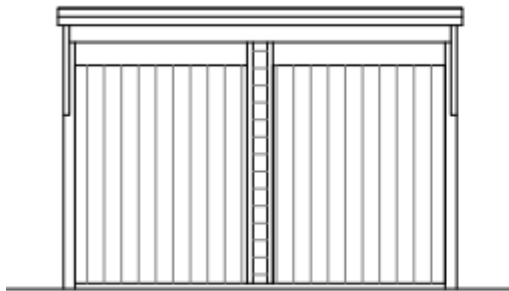




EXISTING FLOOR PLAN



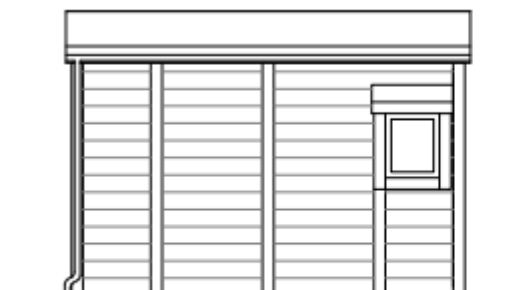
EXISTING ROOF PLAN



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

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### **3 Relevant Planning History**

#### Redlands House

APP/18/00230 - To construct 1 No. 4 bedroom dwelling with garage and associated parking. Not yet determined, and the subject of a report elsewhere on this agenda.

#### The Coach House

APP/17/00745 Two storey side extension. Permitted 13/11/2017

APP/16/00267 - Prior notification for single storey development extending 5.8 metres beyond the rear wall of the original dwelling, incorporating an eaves height of 3 metres and a maximum height of 3 metres. Approval granted 11/04/2016.

#### Land to the rear of Redlands House.

APP/14/00064 - Development of existing paddock with 4No. five-bedroom houses and access drive. Permitted 16/05/2014

APP/17/01047 - Variation of Condition 21 of Planning Permission APP/14/00064 (Development of existing paddock with 4No. five-bedroom houses and access drive) to vary approved plans relating to position and shape of site road and minor changes to design of dwellings. Permitted 07/12/2017.

### **4 Proposal**

- 4.1 To construct 1 No. 5 bedroom 2 storey dwelling with attached garage and associated parking, and form a new vehicle access off Long Copse Lane adjacent to Redlands Lane. The property would be served by a single garage and hard surfacing to the front to provide a minimum of 3 parking spaces and on site turning. The proposed dwelling would be constructed of red stock brick, with flint knapping to the first-floor front elevation and a clay tile roof. The attached single storey garage would be finished in timber cladding with a clay tile roof. The set back of the dwelling from Long Copse Lane would be similar to that of Redlands House.
- 4.2 The plans have been amended during the life of the application to move the access further from Redlands Lane to improve visibility for users of the new access. As a result of this there would be some limited loss of low level planting on the Long Copse Lane frontage, plus additional culverting of the ditch to enable access to the proposed dwelling. The amended plans have been the subject of re-consultation and publicity.

### **5 Policy Considerations**

#### National Planning Policy Framework 2018

#### 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)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of 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)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## **6 Statutory and Non Statutory Consultations**

### **Arboriculturalist**

No objections in principle, subject to works being undertaken strictly in accordance with the submitted Arboricultural Assessment and Method Statement dated 20th July 2018 referenced 17294-AA2-AS, Plan reference 17294-BT2 and associated Site Guidance Notes with particular reference to Arboricultural Supervision ( para 2.3 Arboricultural Method Statement). Details of engineered solutions for access and parking will be required.

**Case Officer note** - *a condition in this respect is recommended.*

### **Building Control**

Location of solid waste storage not shown on plan.

**Case Officer note** - *a condition in this respect is recommended.*

### **Council's Ecologist**

The application is accompanied by a Preliminary Ecological Appraisal (The Ecology Co-op, March 2018).

The application site comprises two plots situated to the east and west of Redlands House. Both plots comprise areas of existing garden containing managed grassland, planted trees and shrubs and garden paraphernalia. This application relates to Plot 1 within the ecological appraisal, situated on the western part of the site.

Overall, the plot is not considered to be of particular ecological value. The majority comprises tightly-mown lawn with the western and norther boundaries containing mature planted woody vegetation including ornamental trees and shrubs. Some larger trees, of unknown ecological importance, had been removed from site prior to the ecologist's visit. Otherwise, the site is not considered to offer potential for supporting protected species: reptiles, great crested newts, badger and hazel dormice are considered unlikely to occur and the limited woody vegetation within the plot are only likely to support small numbers of foraging/commuting bats.

I am fully supportive of the recommendations for sensitive site lighting and for ecological enhancement measures. If you are minded to grant permission, can I suggest that all ecological mitigation, compensation and enhancement measures are secured by condition.

*Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Preliminary Ecological Appraisal (The Ecology Co-op, March 2018) unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and*

*secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

### **Crime Prevention -Minor Apps**

No comments received

### **Developer Services, Southern Water**

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer- informative requested.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

a Adequate soakaway or infiltration system

b Water course

c Where neither of the above is practicable sewer.

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

***Case Officer note - a condition in respect of surface water disposal is recommended.***

### **Development Engineer - Highways**

The Highway Authority recommendation is that the application should be allowed subject to:-

- The provision and retention of the parking and turning on site shown on the submitted drawings.
- The construction of the new vehicular accesses shown on the plan
- An informative to be placed on the decision notice stating that the approval of the Highway Authority will be required for the details of the construction of the vehicular access with particular reference to the crossing of the ditch and the clearing of the sight lines.

***Case Officer note – a condition and informative in this respect is recommended.***

### **Planning Policy**

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for Havant Borough. In addition, the Local Plan Housing Statement (LPHS) and its guiding principles, adopted December 2016, is also a material consideration.

The following policies and documents are of relevance:

- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- CS21 Developer Requirements
- DM6 Coordination of Development
- DM8 Conservation, Protection and Enhancement of Existing Natural Features
- DM13 Car and Cycle Parking on Residential Development
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential

Development.

- DM25 Managing Flood Risk in Emsworth
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements
- Havant Borough Council Parking SPD (July 2016)

**Principle of Development:**

The site currently lies outside the urban area, as defined by Policies AL2 and CS17. These policies seek to concentrate development in the defined urban area. This proposal for residential development is, therefore, contrary to the policies of the Adopted Local Plan.

Nevertheless, the Council is in the process of reviewing its Local Plan. The first step of this review was the adoption of the Local Plan Housing Statement (LPHS) in December 2016. The LPHS is in response to the high need for housing in the Borough and sets out the Council's position regarding sites which are not allocated in the adopted Local Plan. In doing so, the LPHS supports the principle of residential development on a number of urban extension sites. This proposal forms part of site UE67 which is identified in the LPHS for 5 dwellings. Therefore, the principle of development on UE67 is accepted.

**Coordination of Development and High-Quality Design:**

The land directly north of the site has been identified for residential development in the LPHS under reference UE76 (Land north of Long Copse Lane) for about 260 dwellings. In addition, the land to the south of the site, referred to as "Land rear of 38-40 Long Copse Lane", was granted planning permission for 4 dwellings under reference APP/14/00064 in May 2017.

Due to the above, the proposal must not undermine the future development potential and access of the adjacent sites to the north (UE76) and south (permission APP/14/00064). If this cannot be achieved, then the proposal will not meet the requirement of Policy DM6.

As part of the above, a future application will need to consider the impact of amenity to the permitted development adjacent to the south (permission APP/14/00064) to comply with criterion e) of Policy CS16.

It is encouraged that the applicant seeks independent certification against the Home Quality Mark (HQM). This certification offers a holistic and flexible means through which individual dwellings can be measured, improved and showcased. Moreover, the HQM provides a five star rating with key indicators which communicate the performance of a new home's design, construction, and use potential. The framework assesses water and energy use (embodied and when occupied), internal comfort and health (air quality, daylighting, noise and access to green space and amenity), resilience and safety (flood risk, fast and secure internet, adaptability) in addition to the home occupier experience (aftercare, handover procedures and the provision of home information). It enables applicants to demonstrate the quality of their homes to a range of stakeholder; building confidence in the quality of the completed new homes and helps highlight the benefits of new housing to prospective home buyers and tenants.

**Parking**

Policy DM13 and the Havant Borough Parking SPD (July 2016) set out the parking standards for new residential development in the Borough.

The vehicular parking requirements for C3 development can be found in Table 4A (page 9) of the SPD. The proposal is for one 5-bed property; however, there is some discrepancy on the plans as to whether the forecourt will provide two or three vehicular parking spaces. Although the garage is proposed to provide one vehicular space, the overall parking provision will need to be clarified. The minimum vehicular space provision

for a dwelling of four or more bedrooms is three vehicular spaces.

The cycle parking/storage requirements for C3 development can be found on Table 4D (page 13) of the SPD. To be policy compliant, the proposal will need to contain 2 long-stay cycle spaces.

**Trees and Bechstein's Bat:**

The submitted Arboricultural Assessment and Tree Protection Plan highlight that all high and moderate quality trees will be retained and protected. This is supported; however, lower quality trees (including the oak tree in the north-western corner) have been proposed for removal which is contrary to criteria 1) and 2) of Policy DM8. The Council's Arboricultural Officer will be able to provide further advice on the matter, along with clarification if the north western oak tree is dangerous and its removal justified.

Bechstein's Bat is a rare non-migratory bat species associated with woodland habitats and is afforded a high degree of legal protection in the UK and Europe. The species is found in internationally important numbers in Hampshire and is likely to occur within suitable woodlands (including fragmented woodland areas) and associated habitats throughout south Hampshire. A large Bechstein's Bat maternity roost has been identified to the north of the site.

The Planning Policy Team are pleased to see that Bechstein's bat has been considered within the submitted Preliminary Ecological Assessment and that an ecologically sensitive lighting scheme is suggested. Nevertheless, concern is raised that the removal of trees (despite their lower qualities) may impact upon the species. The Council's Ecologist will be able to provide further advice on the matter.

**Flooding:**

The site is not located in Flood Zones 2 and/or 3; however, the area has known drainage capacity issues. In line with Policy DM25, the proposal will need to provide a drainage solution which reduces surface water run-off.

Although Policy DM25 allows for a financial contribution to be paid towards the Emsworth Flood Alleviation Scheme (FAS), the Environment Agency (EA) stated in their response to the Draft Local Plan 2036 that managing flood risk at its source (i.e. on site) is the most appropriate risk management technique. As such, contributing to a flood alleviation scheme should be supplementary rather than an alternative.

**Developer Contributions:**

In addition to the requirements of Policy CS21, Havant Borough Council has an adopted CIL Charging Schedule which is applied to all new residential development in the Borough.

The Solent Recreation Mitigation Strategy was approved, along with its implementation from 1st April 2018 onwards, by Havant Borough's Cabinet on 7th February 2018. As such, the proposal will need to pay the Solent Recreation Mitigation Partnership (SRMP) contribution in line with the strategy and Policy DM24.

**Draft Havant Borough Local Plan 2036:**

The application is part of a larger site proposed for residential development, under reference H14 (pages 188 to 189), in the Draft Havant Borough Local Plan 2036.

The Draft Local Plan 2036 went out to public consultation from 8th January to 16th February 2018. The Planning Policy Team are currently reviewing all the representations received during the consultation; it is anticipated that these will be published in late-May 2018. Alongside this, the Council will be publishing a Consultation Summary Report which, as the name suggests, will summarise all the points raised for each



policy/allocation along with the Council's proposed way forward of how to amend each policy/allocation for the next stage of the Local Plan process. It is recommended that the applicant reviews the Consultation Summary Report to ascertain the direction of travel for site H14 when it is available.

**Recommendation:**

No objection in principle providing that the Council's Ecologist and Arboricultural Officer raise no objection to the loss of lower quality trees and the potential impact on Bechstein's bat.

**Case Officer note:** *The Council's Ecologist and Arboricultural Officer do not raise objection to the proposal – see their responses above.*

**Lead Local Flood Authority**

As this application relates to a site which is less than 1 hectare in size, there is no need for us to comment on it at this time. However, please direct the applicant to our website for further information on recommended surface water drainage techniques.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning.

**Case Officer note:** *Informative recommended.*

**Waste Services Manager**

Location of solid waste storage not shown

**Case Officer note :** *A condition is recommended to address this matter.*

**Natural England**

**NO OBJECTION**

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

The Council's Ecologist should be consulted in respect to Biodiversity Mitigation.

**7 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

Statutory advertisement - Departure and Minor Development.

Number of site notices: 2

Number of representations received: 10

Comment	Officer Comment
<p>Draft Havant Borough Local Plan 2036 is draft and has not been adopted , therefore any application should only be assessed against the March 2011 Adopted plan. The site is outside the built up area and contrary to the adopted local plan. It conflicts with Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough); Policy CS16 (High Quality Design); and is not in a sustainable location.</p>	<p>The application has been advertised as a departure. See section 8 for an assessment of the acceptability of the principle of the development.</p>
<p>The access is dangerous with inadequate inter visibility and conflicts with the Hampshire Border Path. In conflict with Policy CS20 (Transport and Access Strategy) and does not reflect highway design / highway safety standards.</p>	<p>The position of the access has been amended and the Development Engineer does not object to the proposal. See also section 8.</p>
<p>The design of the house proposed has little or no architectural merit, is over large and intrusive and would be detrimental to the siting and appearance of Redlands House, in conflict with Policy CS16 (High Quality Design); and Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough</p>	<p>See section 8 for an assessment of the impact of the development on the character and appearance of the area.</p>
<p>The cumulative impact of the size and scale of the proposed access together with the removal of further frontage vegetation by the applicant will severely and materially impact on the visual character of the Lane, causing further damage to both Long Copse Lane and Redlands Lane.</p>	<p>The Arboricultural Officer has not objected to the proposal. See also section 8.</p>
<p>Surface water flooding is common in Long Copse Lane and this application along with the application for Plot 1 will exacerbate an existing serious problem.</p>	<p>A condition is recommended in line with Southern Water's consultation response to ensure that appropriate measures are taken to deal with surface water discharge from the site. See also section 8.</p>
<p>The development does not meet any of the current expectations and requirements for low cost housing</p>	<p>Noted, but the proposal is below the threshold for affordable housing set out in Policy CS9.</p>
<p>HBC have indicated in the past that</p>	<p>See section 8 for an assessment of the</p>

they were not in favour of development of the site.	acceptability of the principle of the development.
Cumulative negative impact on land from approved developments and that proposed adjacent the Coach House, need to be taken into account.	See section 8.
Insufficient level of consultation	See above – the application has been advertised in accordance with the Council’s statutory and adopted consultation responsibilities.
The deed in respect to the Solent Recreation Mitigation Strategy is not binding as it has been signed by only Mr G and not Mrs G who is also an owner of the land.	The deed has been signed by one of the parties and the required contribution secured.

## 8 **Planning Considerations**

8.1 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) Impact upon the character and appearance of the area
- (iii) Highways considerations
- (iv) Impact upon residential amenity
- (v) Ecology and trees
- (vi) Flooding
- (vii) Habitats Regulations Assessment and Appropriate Assessment
- (viii) CIL

(i) Principle of development

8.2 The site currently lies outside the urban area, as defined by Policies AL2 and CS17 of the adopted Local Plan. These policies seek to concentrate development in the defined urban area. This proposal for residential development is, therefore, contrary to the policies of the adopted Local Plan, and has been advertised as a departure. Nevertheless, the Council is in the process of reviewing its Local Plan. The first step of this review was the adoption of the Local Plan Housing Statement (LPHS) in December 2016. The LPHS is in response to the high need for housing in the Borough and sets out the Council’s position regarding sites which are not allocated in the adopted Local Plan, including reconsidering those which have previously not been considered favourably. In doing so, the LPHS supports the principle of residential development on a number of urban extension sites. This proposal forms part of site UE67 which is identified in the LPHS for 5 dwellings. Therefore, the principle of development on UE67 is accepted.

8.3 Whilst the UE67 allocation refers to a figure of 5 dwellings, this is for the whole of the allocation and is a guide. The current application and that proposed under APP/18/00230 elsewhere on this agenda would deliver only 2 dwellings and therefore would fall short of the LPHS’s expectations. In this regard, however, it is recognised that the site is heavily vegetated and the current dwelling at Redlands House, whilst not listed, is on the local list – hence the protection of its setting is a constraint on development at the site. Taking these the site constraints together it is considered that the level of development currently

proposed, which would reflect the character of this part of Long Copse Lane, is acceptable.

- 8.4 The land directly north of the site has been identified for residential development in the LPHS under reference UE76 (Land north of Long Copse Lane) for about 260 dwellings. In addition, the land to the south of the site, referred to as "Land rear of 38-40 Long Copse Lane", is being developed for 4 dwellings under reference APP/14/00064. The proposed new dwelling is not considered to undermine the future development potential of, and access to, either of these sites, and the cumulative impact of the proposed single dwelling together with the other single dwelling proposed on this urban extension site, would be limited and acceptable.

(ii) Impact upon the character and appearance of the area

- 8.5 The mature trees along Redland Lane and Long Copse Lane are an important part of the character of the area. In response to this the vehicle access, which would be taken close to the junction of Redlands Lane with Long Copse Lane, has been sited so as not to require the removal of any trees on the Redlands Lane frontage. With respect to the Long Copse Lane frontage the position of the access has been amended since the original submission to move it slightly further to the east to improve inter visibility. This would require the removal of some low level vegetation but no trees of significance are proposed to be removed.

- 8.6 This part of Long Copse Lane is characterised by mature detached character dwellings, many of substantial size. The proposed dwelling whilst of some bulk and height would have a slightly lower ridge height than Redlands House, and would be constructed of traditional materials. In particular, flint work has been incorporated to respond to the use of such material on Redlands House. In terms of the street scene the existing garage to Redlands House would provide a visual separation between the existing and proposed dwellings, and the proposed dwelling would provide an acceptable transition between Redlands House and the more urban flatted development on the other side of Redlands Lane. Whilst the height of the roof is significant at just over 10m, partly as a result of the depth of the proposed dwelling, and partly the relatively steep pitch, its bulk would recede back from the frontage to Long Copse Lane, and in respect of Redlands Lane the roof has a pronounced barn hip to reduce the bulk. Additionally the proposed dwelling would be set back from both lanes beyond the existing vegetation which would provide a landscaped setting. By incorporating materials sympathetic to the site's setting the development is considered to respond to the existing varied character of development elsewhere along Long Copse Lane.

(iii) Highway considerations

- 8.7 Amended plans have been received in respect of the position of the new access to the site, following a site meeting with the Development Engineer to assess the relationship with Redlands Lane. The revised position has been assessed by the Development Engineer and he is now satisfied with the proposed access, subject to an informative in respect of the culverting of the ditch. The position and alignment of the new access proposed is therefore considered not to cause detriment to the safety and convenience of users of Long Copse Lane.
- 8.8 Policy DM13 and the Havant Borough Parking SPD (July 2016) set out the parking standards for new residential development in the Borough. The proposal is for one 5-bed property and the plans show parking for 3 cars in accordance with the adopted standard.

(iv) Impact upon residential amenity

- 8.9 The site is bounded by Long Copse Lane and Redlands Lane on the north and west

respectively, the garage to Redlands House on the east and with respect to the land beyond the southern boundary, this land is currently being developed for 4 dwellings under planning permission APP/17/01047. This site lies in excess of 40m from the rear of the proposed dwellings from which it is separated by existing mature trees.

- 8.10 Given the above it is considered that an acceptable relationship with neighbouring properties is achieved in accordance with the requirements of Policy CS16 of the Core Strategy and the Borough Design Guide.

(v) Ecology and trees

- 8.11 The submitted Arboricultural Assessment and Tree Protection Plan highlight that all high and moderate quality trees will be retained and protected. Whilst lower quality trees are proposed for removal the Council's Arboricultural Officer has raised no objection subject to details of engineered solutions for access and parking being conditioned. The recent removal of a mature oak tree at the junction of Long Copse Lane and Redlands Lane was in response to its dangerous condition.

- 8.12 The application is supported by an ecology report which concludes the potential for protected species is limited. However, there is potential for a small number of bats foraging/commuting and the potential impact on the Bechstein's bat has been considered within the submitted Preliminary Ecological Appraisal and an ecologically sensitive lighting scheme is suggested. The Council's Ecologist has been consulted and having assessed the proposal raises no objection subject to compliance with the submitted Preliminary Ecological Appraisal (The Ecology Co-op, March 2018). A condition in this respect is recommended.

(vi) Flooding

- 8.13 The site is not located in Flood Zones 2 and/or 3; however, the area has known drainage capacity issues. In line with Policy DM25, the proposal will need to provide a drainage solution which reduces surface water runoff, having regard to local flooding issues and the need to contribution to Flood Alleviation in Emsworth. A condition in this respect is recommended.

(vii) Habitats Regulations Assessment and Appropriate Assessment

- 8.14 The site lies within 5.6km of Chichester and Langstone Harbour, which is designated a Special Protection Area for over-wintering birds, and hence an Appropriate Assessment is required to consider the potential impacts on a Habitats Site.

- 8.15 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment.

- 8.16 The appropriate Unilateral Undertaking has been completed and the financial mitigation

package for the proposed 5 bed dwelling of £944.00 (including monitoring and admin) to mitigate against the potential recreational impacts of the development has been provided.

(viii) CIL

- 8.17 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 20<sup>th</sup> February 2013. This development is CIL liable for the new residential floor space. The required forms have been submitted to enable a Draft Liability Notice to be issued with the decision notice.

## **9 Conclusion**

- 9.1 Whilst the site lies outside the urban area as defined in the adopted Local Plan, it has been identified as an allocation (UE67) in the adopted LPHS and this is considered a compelling material consideration sufficient to set aside the provisions of the Local Plan in this case. The proposed 5 bedroom dwelling can be satisfactorily accommodated on site without causing detrimental harm to the character of the area, highway safety, ecology, TPO trees or neighbouring amenity. The cumulative impacts have been assessed and found to be acceptable and the scale of development is not such that it would be prejudicial to the potential development of LPHS allocation UE76, and approval is recommended.

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## **10 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00229 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.  
**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Proposed site access PL.130.18.SK02 REV D  
  
Proposed location plan and floor plans PL.130.18.01  
  
Proposed elevations PL130.18-02  
Proposed elevations PL130.18-06  
  
**Reason:** - To ensure provision of a satisfactory development.
- 3 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.  
**Reason:** To safeguard the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 No development shall take place until plans and particulars specifying the

following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

**Reason:** To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development hereby permitted shall commence until a surface water drainage strategy to reduce run off from the site and providing plans and particulars specifying the layout, depth and capacity of all surface water drains and/or sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant 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, DM10 and 25 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Preliminary Ecological Appraisal (The Ecology Co-op, March 2018) unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 No above ground development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.  
The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.  
**Reason:** To ensure the appearance of the development is satisfactory 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 2018.
- 9 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.  
**Reason:** To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 10 No development shall take place until all trees and hedgerows that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.  
**Reason:** To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 No part of the development shall be occupied until facilities for the storage of solid waste have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The facilities shall be maintained in accordance with the approved details.  
**Reason:** To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 12 The access, car parking, turning and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.  
**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.

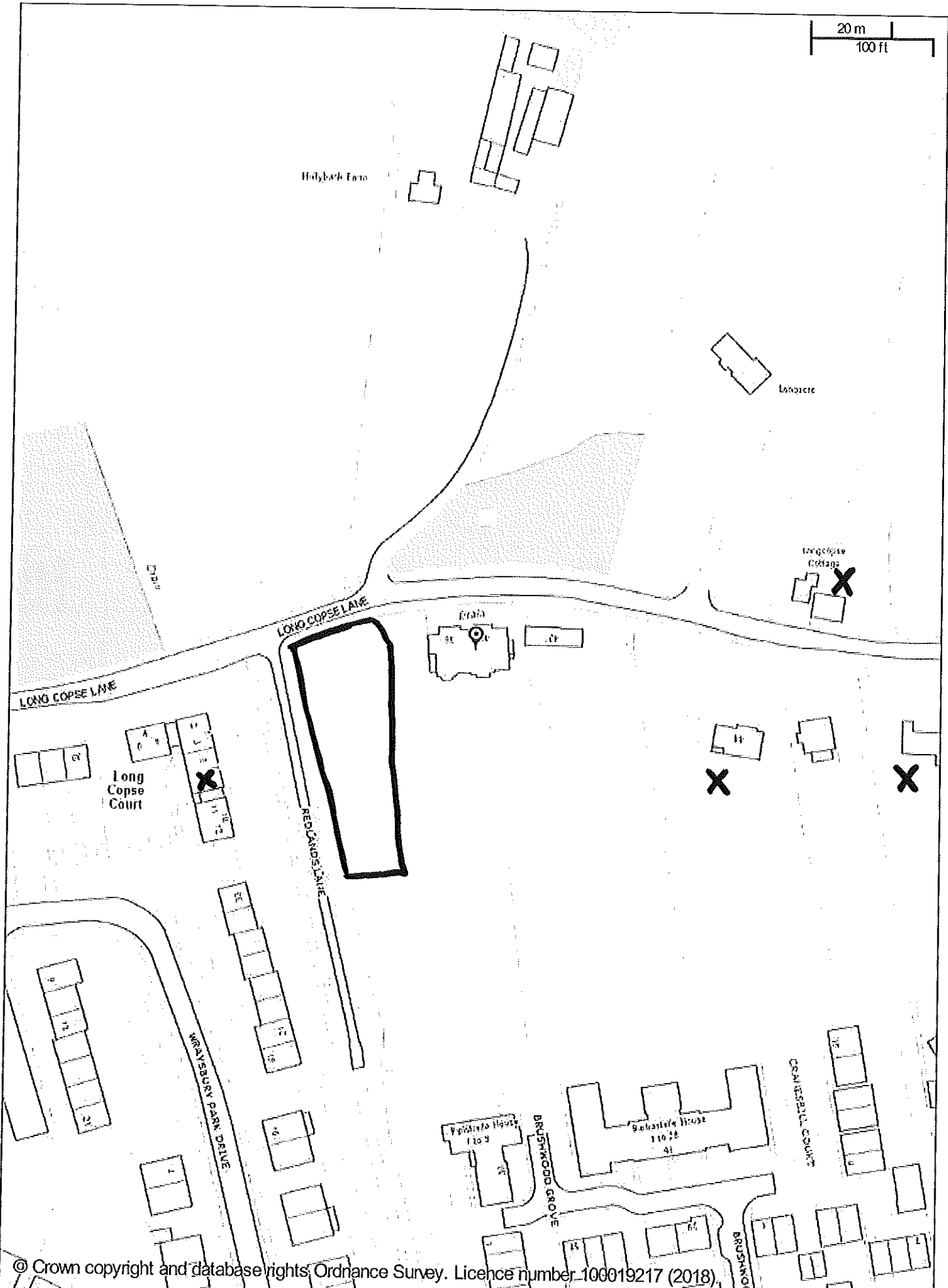
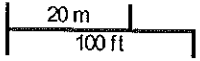


- 13 The development of the site shall be carried out strictly in accordance with the submitted Arboricultural Assessment and Method Statement dated 20th July 2018 referenced 17294-AA2-AS, Plan reference 17294-BT2 and associated Site Guidance Notes with particular reference to Arboricultural Supervision (para 2.3 Arboricultural Method Statement).  
**Reason:** To prevent damage to existing trees 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 2018.
- 14 No development hereby permitted shall be commenced until full details of the engineering solution for the construction of the access and parking areas in relation to retained trees have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details unless agreed otherwise in writing by the local planning authority.  
**Reason:** To prevent damage to existing trees 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 2018.

**Appendices:**

- (A) Location Plan
- (B) Proposed Site Plan
- (C) Proposed Floor Plans
- (D) Proposed north and south elevations
- (E) Proposed east and west elevations
- (F) Proposed site access plan

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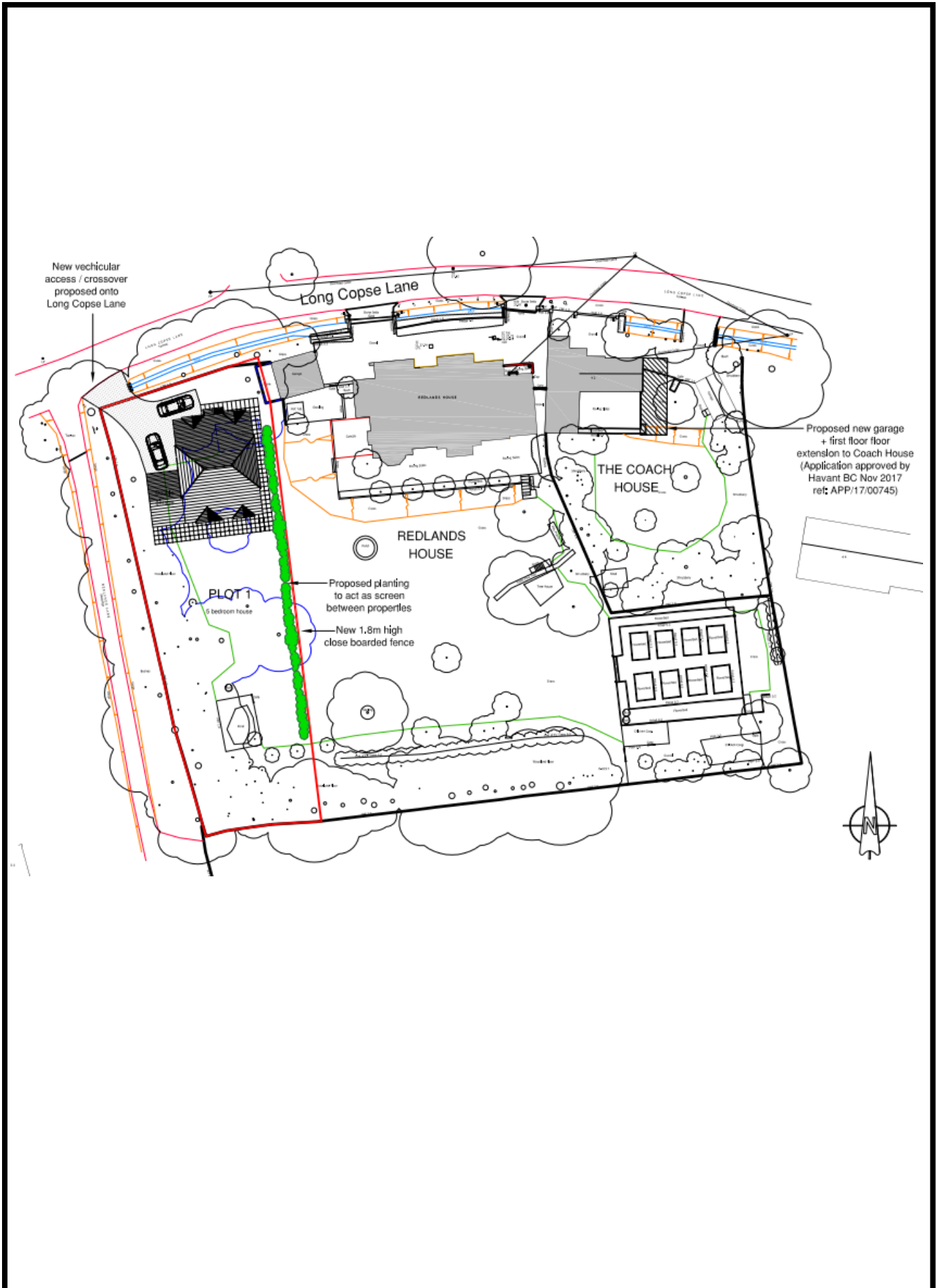
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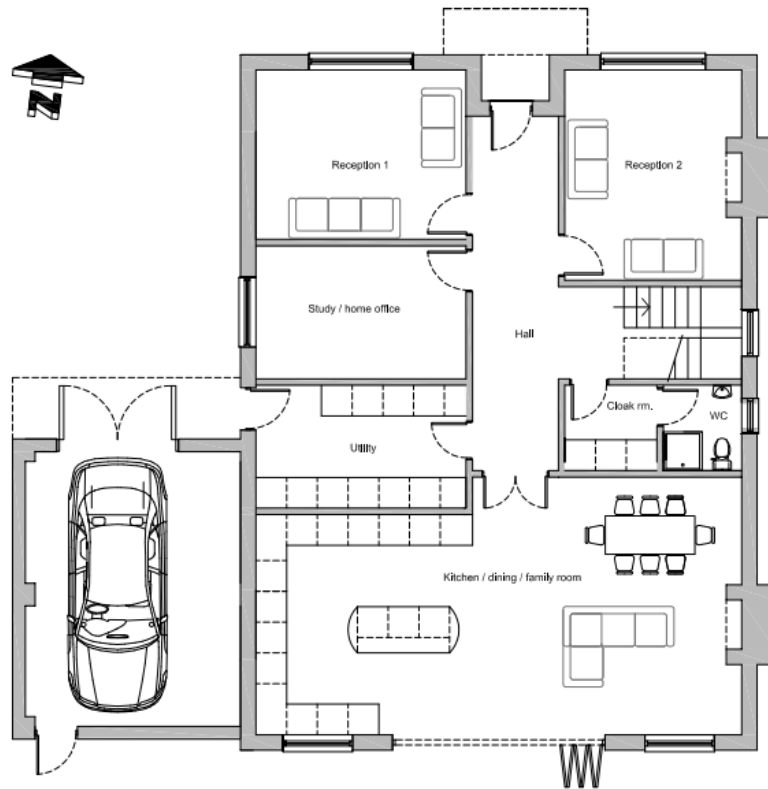
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Objectors are marked X, Supporters are marked /.  
Please refer to the list of objectors listed on this plan.

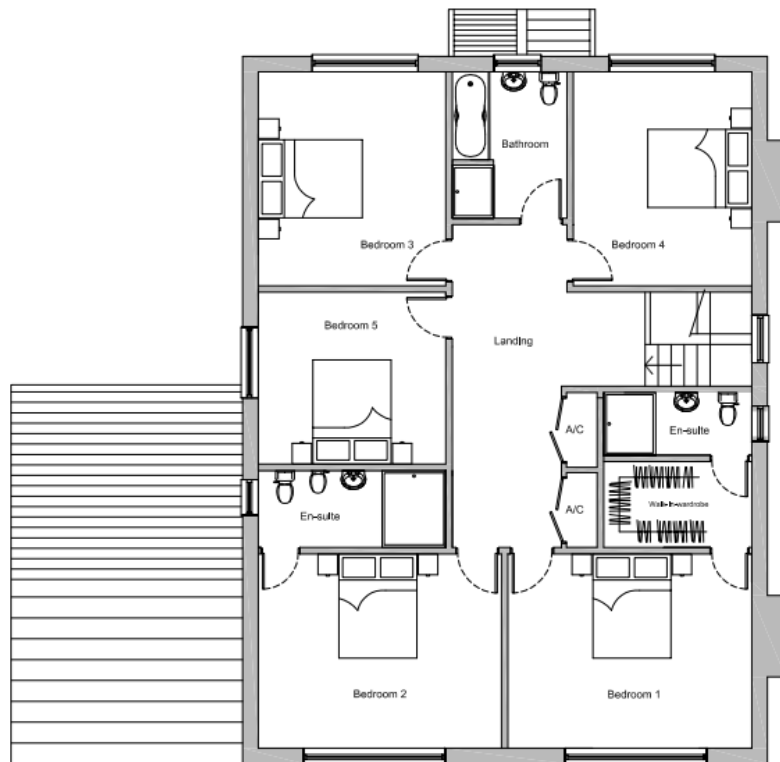
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Ground floor



First floor

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North (front) elevation



South (rear) elevation

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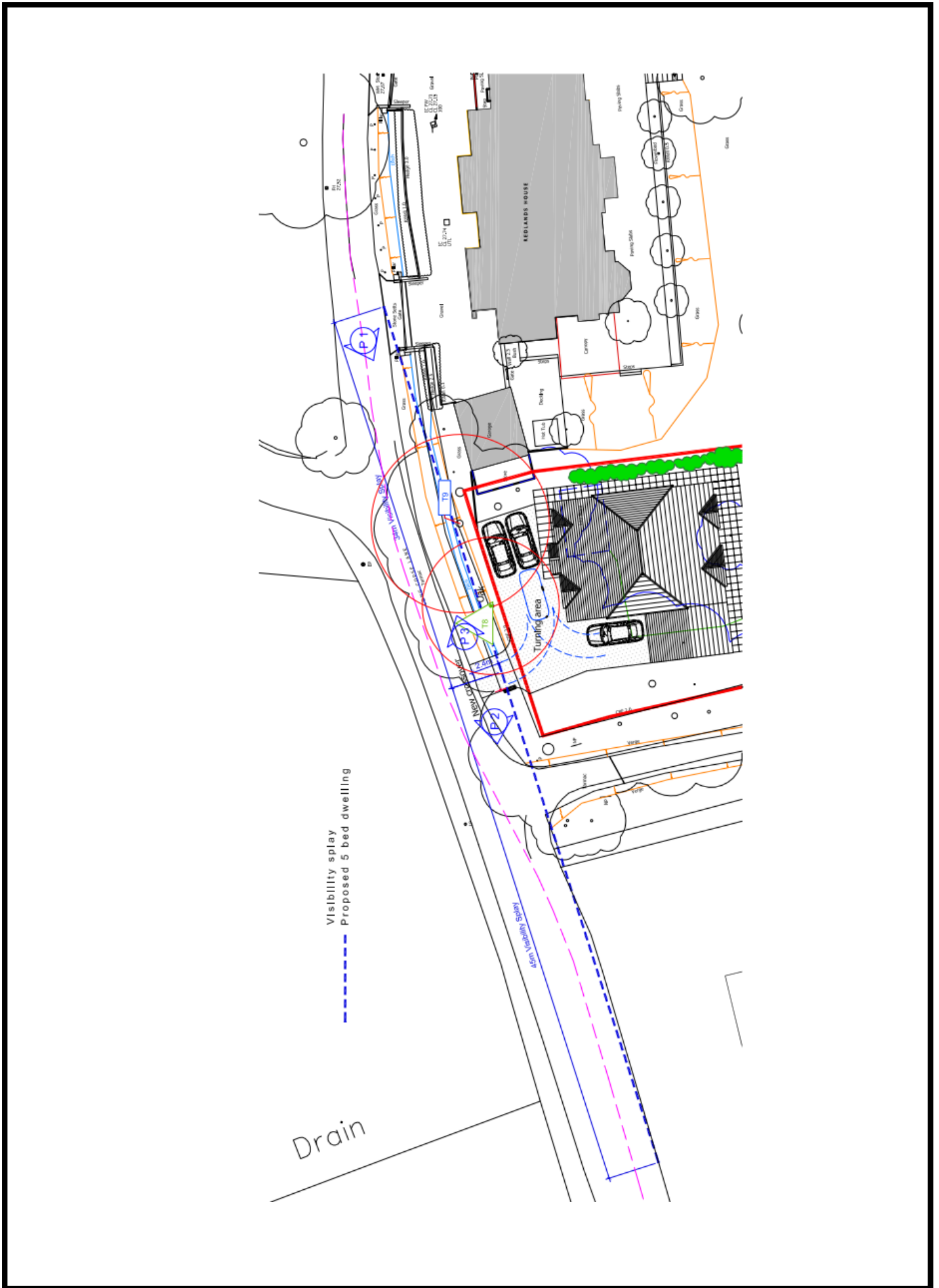


East (side) elevation



West (side) elevation

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### **3 Relevant Planning History**

#### Redlands House

APP/18/00229 - To construct 1 No. 5 bedroom dwelling with garage and associated parking. Not yet determined, and the subject of a report elsewhere on this agenda.

#### Land to the rear of Redlands House.

APP/14/00064 - Development of existing paddock with 4No. five-bedroom houses and access drive. Permitted 16/05/2014

APP/17/01047 - Variation of Condition 21 of Planning Permission APP/14/00064 (Development of existing paddock with 4No. five-bedroom houses and access drive) to vary approved plans relating to position and shape of site road and minor changes to design of dwellings. Permitted 07/12/2017.

#### The Coach House

APP/17/00745 Two storey side extension. Permitted 13/11/2017

APP/16/00267 - Prior notification for single storey development extending 5.8 metres beyond the rear wall of the original dwelling, incorporating an eaves height of 3 metres and a maximum height of 3 metres. Approval granted 11/04/2016.

### **4 Proposal**

- 4.1 To construct 1 No. 4 bedroom dwelling with detached double garage and associated parking. The property would be located in a backland position accessed off Long Copse Lane by an existing access point which would be widened and served by a double garage and hard surfacing to provide a minimum of 3 parking spaces and on site turning. The proposed dwelling would be constructed of red stock brick, with a clay tile roof.
- 4.2 The plans have been amended during the life of the application to reduce the originally proposed access road from 5.5m width with 2m footpath, to a width of 3.1m thereby decreasing the amount of hard surfacing at the junction with Long Copse Lane, and allowing for the introduction of landscaping to the site boundaries with the Coach House to the west and 44 Long Copse Lane to the east.
- 4.3 The proposed access would impact the parking for the Coach House and the plans show the provision of replacement parking comprising 2 spaces plus turning to serve the Coach House.

### **5 Policy Considerations**

#### National Planning Policy Framework 2018

#### 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)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of 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)  
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## **6 Statutory and Non Statutory Consultations**

### **Arboriculturalist**

No objection subject to works being undertaken strictly in accordance with the submitted Arboricultural Assessment and Method Statement dated 23rd February 2018 referenced 17294 - AA/AS and the submitted Tree Protection Plan referenced 17294BT1.

*Case Officer note - a condition in this respect is recommended.*

### **Building Control, Havant Borough Council**

Comments:

- 1) Fire Authority access to comply with Approved Document B5 requirement
- 2) Location of solid waste storage to be indicated as detailed in Approved Document H

*Case Officer note - a condition in respect of waste storage provision is recommended.*

### **Council's Ecologist**

The application is accompanied by a Preliminary Ecological Appraisal (The Ecology Co-op, March 2018).

The application site comprises two plots situated to the east and west of Redlands House. Both plots comprise areas of existing garden containing managed grassland, planted trees and shrubs and garden paraphernalia. This application relates to Plot 2 within the ecological appraisal, situated on the eastern part of the site. This area includes a small garage building.

Overall, the plot is not considered to be of particular ecological value although there is some limited potential for protected species to occur. The garage building exhibits features with the potential to support roosting bats. The garage demolition was previously granted without ecological consultation. Therefore, the ecologist has recommended that prior to its demolition, an inspection is carried out of crevice features. This seems like a sensible approach, although the applicant should be aware that if any evidence of roosting bats is encountered then it would be necessary to cease works and carry out further survey works. Some sensible mitigation measures are proposed for vegetation clearance.

I am fully supportive of the recommendations for sensitive site lighting and for ecological enhancement measures. If you are minded to grant permission, can I suggest that all ecological mitigation, compensation and enhancement measures are secured by condition.

*Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Preliminary Ecological Appraisal (The*

*Ecology Co-op, March 2018) unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

#### **Crime Prevention -Minor Apps**

No comments received

#### **Developer Services, Southern Water**

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Informative requested.

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water.

***Case Officer note - a condition in respect of surface water disposal is recommended, together with the requested informative.***

#### **Development Engineer - Highways**

The Highway Authority recommendation is that the application should be allowed subject to:

- The provision and retention of the parking and turning on site shown on the submitted drawings.
- The construction of the new vehicular accesses shown on the plan
- An informative to be placed on the decision notice stating that the approval of the Highway Authority will be required for the details of the construction of the vehicular access with particular reference to the crossing of the ditch and the clearing of the sight lines.

***Case Officer note – a condition and informative in this respect is recommended.***

#### **Planning Policy**

##### **Policy Status:**

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for Havant Borough. In addition, the Local Plan Housing Statement (LPHS) and its guiding principles, adopted December 2016, is also a material consideration.

The following policies and documents are of relevance:

- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- CS21 Developer Requirements
- DM6 Coordination of Development
- DM8 Conservation, Protection and Enhancement of Existing Natural Features
- DM13 Car and Cycle Parking on Residential Development
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development.
- DM25 Managing Flood Risk in Emsworth
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements
- Havant Borough Council Parking SPD (July 2016)

**Principle of Development:**

The site currently lies outside the urban area, as defined by Policies AL2 and CS17. These policies seek to concentrate development in the defined urban area. This proposal for residential development is, therefore, contrary to the policies of the Adopted Local Plan.

Nevertheless, the Council is in the process of reviewing its Local Plan. The first step of this review was the adoption of the Local Plan Housing Statement (LPHS) in December 2016. The LPHS is in response to the high need for housing in the Borough and sets out the Council's position regarding sites which are not allocated in the adopted Local Plan. In doing so, the LPHS supports the principle of residential development on a number of urban extension sites. This proposal forms part of site UE67 which is identified in the LPHS for 5 dwellings. Therefore, the principle of development on UE67 is accepted.

**Coordination of Development and High-Quality Design:**

The land directly north of the site has been identified for residential development in the LPHS as UE76 (Land north of Long Copse Lane) for about 260 dwellings. The proposal must not undermine the future development potential of this site; in the instance that this cannot be ensured, the proposal will not meet the requirement of Policy DM6.

In addition to the above, the land south of the site, referred to as "land rear of 38-40 Long Copse Lane" was granted planning permission for 4 dwellings under reference APP/14/00064 in May 2017. Although this proposal will not undermine the access of the permitted development (as access for permission APP/14/00064 will be taken from Redlands Lane), the proposal will still need to consider the impact of amenity to this already permitted development to comply with criterion e) of Policy CS16.

It is encouraged that the applicant seeks independent certification against the Home Quality Mark (HQM). This certification offers a holistic and flexible means through which individual dwellings can be measured, improved and showcased. Moreover, the HQM provides a fivestar rating with key indicators which communicate the performance of a new home's design, construction, and use potential. The framework assesses water and energy use (embodied and when occupied), internal comfort and health (air quality, daylighting, noise and access to green space and amenity), resilience and safety (flood risk, fast and secure internet, adaptability) in addition to the home occupier experience (aftercare, handover procedures and the provision of home information). It enables applicants to demonstrate the quality of their homes to a range of stakeholder; building confidence in the quality of the completed new homes and helps highlight the benefits of new housing to prospective home buyers and tenants.

**Parking:**

Policy DM13 and the Havant Borough Parking SPD (July 2016) set out the parking

standards for new residential development in the Borough.

The vehicular parking requirements for C3 development can be found in Table 4A (page 9) of the SPD. The proposal is for one 4-bed property with three vehicular parking spaces and a garage (containing two spaces). The minimum vehicular space provision for a 4-bed property is three spaces, therefore the scheme is policy compliant.

The cycle parking/storage requirements for C3 development can be found on Table 4D (page 13) of the SPD. To be policy compliant, the proposal will need to contain 2 long-stay cycle spaces.

**Trees and Bechstein's Bat:**

The submitted Arboricultural Assessment and Tree Protection Plan highlight that all high and moderate quality trees will be retained and protected. This is supported; however, lower quality trees have been proposed for removal which is contrary to criteria 1) and 2) of Policy DM8. The Council's Arboricultural Officer will be able to provide further advice on the matter.

Bechstein's Bat is a rare non-migratory bat species associated with woodland habitats and is afforded a high degree of legal protection in the UK and Europe. The species is found in internationally important numbers in Hampshire and is likely to occur within suitable woodlands (including fragmented woodland areas) and associated habitats throughout south Hampshire. A large Bechstein's Bat maternity roost has been identified to the north of the site.

The Planning Policy Team are pleased to see that Bechstein's bat has been considered within the submitted Preliminary Ecological Assessment and that an ecologically sensitive lighting scheme is suggested. Nevertheless, concern is raised that the removal of trees (despite their lower qualities) may impact upon the species. The Council's Ecologist will be able to provide further advice on the matter.

**Flooding:**

The site is not located in Flood Zones 2 and/or 3; however, the area has known drainage capacity issues. In line with Policy DM25, the proposal will need to provide a drainage solution which reduces surface water run-off.

Although Policy DM25 allows for a financial contribution to be paid towards the Emsworth Flood Alleviation Scheme (FAS), the Environment Agency (EA) stated in their response to the Draft Local Plan 2036 that managing flood risk at its source (i.e. on site) is the most appropriate risk management technique. As such, contributing to a flood alleviation scheme should be supplementary rather than an alternative.

**Developer Contributions:**

In addition to the requirements of Policy CS21, Havant Borough Council has an adopted CIL Charging Schedule which is applied to all new residential development in the Borough.

The Solent Recreation Mitigation Strategy was approved, along with its implementation from 1<sup>st</sup> April 2018 onwards, by Havant Borough's Cabinet on 7<sup>th</sup> February 2018. As such, the proposal will need to pay the Solent Recreation Mitigation Partnership (SRMP) contribution in line with the strategy and Policy DM24.

**Draft Havant Borough Local Plan 2036:**

The application is part of a larger site proposed for residential development, under reference H14 (pages 188 to 189), in the Draft Havant Borough Local Plan 2036. The Draft Local Plan 2036 went out to public consultation from 8<sup>th</sup> January to 16<sup>th</sup>

February 2018. The Planning Policy Team are currently reviewing all the representations received during the consultation; it is anticipated that these will be published in late-May 2018. Alongside this, the Council will be publishing a Consultation Summary Report which, as the name suggests, will summarise all the points raised for each policy/allocation along with the Council's proposed way forward of how to amend each policy/allocation for the next stage of the Local Plan process. It is recommended that the applicant reviews the Consultation Summary Report to ascertain the direction of travel for site H14 when it is available.

**Recommendation:**

No objection in principle providing that the Council's Ecologist and Arboricultural Officer raise no objection to the loss of lower quality trees and the potential impact on Bechstein's bat.

**Case Officer note:** *The Council's Ecologist and Arboricultural Officer do not raise objection to the proposal – see their responses above.*

**Waste Services Manager**

No comments received

**Lead Local Flood Authority**

As this application relates to a site which is less than 1 hectare in size, there is no need for us to comment on it at this time. However, please direct the applicant to our website for further information on recommended surface water drainage techniques.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning.

**Case Officer note:** *Informative recommended.*

**Natural England**

NO OBJECTION

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

The Council's Ecologist should be consulted in respect to Biodiversity Mitigation.

**7 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

Statutory advertisement - Departure and Minor Development.

Number of site notices: 2

Number of representations received: 11

Comment	Officer Comment
<p>Outside urban area and in conflict with Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough); CS16 (High Quality Design); and Policy CS20 (Transport and Access Strategy) and does not reflect highway design / highway safety standards. The Draft Havant Borough Local Plan 2036 is <b>draft and has not been adopted</b> , therefore any application should only be assessed against the March 2011 Adopted Havant Local Core Strategy Policies.</p> <p>The Havant Borough Local Plan has not been adopted and the public consultation closed in February. There has been no determination on whether this is a site that can be included, and any development is premature</p>	<p>The application has been advertised as a departure. See section 8 for an assessment of the acceptability of the principle of the development.</p>
<p>Insufficient level of consultation by HBC</p>	<p>See above – the application has been advertised in accordance with the Council's statutory and adopted consultation responsibilities.</p>
<p>The cumulative impact of the size and scale of the proposed access together with the removal of further frontage vegetation by the applicant (under HBC Ref: 17/00745) will severely and materially impact on the visual character of the Lane.</p>	<p>The plans have been amended to reduce the width of the access and provide additional planting.</p>
<p>The applicant has not demonstrated the proposed access complies with design standards and would represent a significant road safety hazard, contrary to all design guidance and advice.</p>	<p>The width of the access has been amended and the Development Engineer does not object to the proposal. See also section 8.</p>
<p>The design of the property is poor, detrimental to the appearance of Redlands House and character of the lane.</p>	<p>See section 8 for an assessment of the impact of the development on the character and appearance of the area.</p>
<p>Lane prone to flooding</p>	<p>A condition is recommended in line with Southern Water's consultation response to ensure that appropriate measures are taken to deal with surface water discharge from the site. See also section 8.</p>
<p>Overcrowding with approved extension to cottage and then this proposed development.</p>	<p>See section 8 for an assessment of the impact of the development on the character and appearance of the area.</p>

Loss of light to No 44. Long Copse Lane	See section 8 for an assessment of the impact of the development on residential amenity.
The proposal will be grossly intrusive both on the amenities of the Coach House and on those of the adjoining property to the west. It is poorly located and contrived so as to apparently maximise the size with little or no regard for neighbours.	See section 8 for an assessment of the impact of the development on residential amenity.
The requirement to protect trees at 44 Long Copse Lane needs to be considered.	The Arboricultural Officer has not objected to the proposal. See also section 8
The access is contrived and impacts on the Coach House which itself is a dwelling which will be left with no meaningful parking. The accompanying drawing shows the Coach House as being left with two spaces, but it is in practice impossible to see how this will work on the ground. An inspection of the property today will show that the existing occupiers' second car has to be parked on the roadside verge. I believe the plan to be unrealistic.	The Development Engineer does not object to the proposal – see also section 8.
I have looked at the new plans. The objections I made previously remain. This is an opportunistic and unworthy application that will harm the street scene in Long Copse Lane, cause unnecessary overlooking and intrusion to number 44, damage the setting and amenity of Redlands House itself, damage the natural environment including the protected orchids, and is premature having regard to the undecided nature of the local plan proposals.	See section 8 and comments above.
The new access does nothing to improve the basically flawed proposal that should be rejected.	The Development Engineer does not object to the proposal. See also section 8.
The deed in respect to the Solent Recreation Mitigation Strategy is not binding as it has been signed by only Mr G and not Mrs G who is also an owner of the land.	The deed has been signed by one of the parties and the required contribution secured.

## **8 Planning Considerations**

8.1 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) Impact upon the character and appearance of the area
- (iii) Highways considerations
- (iv) Impact upon residential amenity
- (v) Ecology and trees
- (vi) Flooding
- (vii) Habitats Regulations Assessment and Appropriate Assessment
- (viii) CIL

(i) Principle of development

8.2 The site currently lies outside the urban area, as defined by Policies AL2 and CS17 of the adopted Local Plan. These policies seek to concentrate development in the defined urban area. This proposal for residential development is, therefore, contrary to the policies of the Adopted Local Plan, and has been advertised as a departure. Nevertheless, the Council is in the process of reviewing its Local Plan. The first step of this review was the adoption of the Local Plan Housing Statement (LPHS) in December 2016. The LPHS is in response to the high need for housing in the Borough and sets out the Council's position regarding sites which are not allocated in the adopted Local Plan, including reconsidering those which have previously not been considered favourably. In doing so, the LPHS supports the principle of residential development on a number of urban extension sites. This proposal forms part of site UE67 which is identified in the LPHS for 5 dwellings. Therefore, the principle of development on UE67 is accepted.

8.3 Whilst the UE67 allocation refers to a figure of 5 dwellings, this is for the whole of the allocation and is a guide. The current application and that proposed under APP/18/00229 elsewhere on this agenda would deliver only 2 dwellings and therefore would fall short of the LPHS's expectations. In this regard, however, it is recognised that the site is heavily vegetated and the current dwelling at Redlands House, whilst not listed, is on the local list – hence the protection of its setting is a constraint on development at the site. Taking these site constraints together it is considered that the level of development currently proposed, which would reflect the character of this part of Long Copse Lane is considered acceptable.

8.4 The land directly north of the site has been identified for residential development in the LPHS under reference UE76 (Land north of Long Copse Lane) for about 260 dwellings. In addition, the land to the south of the site, referred to as "Land rear of 38-40 Long Copse Lane", is being developed for 4 dwellings under reference APP/14/00064. The proposed new dwelling is not considered to undermine the future development potential of, and access to, either of these sites, and the cumulative impact of the proposed single dwelling together with the other single dwelling proposed on this urban extension site, would be limited and acceptable.

(ii) Impact upon the character and appearance of the area

8.5 The street scene of Long Copse Lane is semi-rural in character and it is important that the proposal does not adversely impact this character. The submitted layout plans have been amended during the life of the application to substantially reduce the width of the proposed access, originally at over 7m including the footpath, to only 3.1m width, thus reducing its prominence and impact, and also allowing for soft landscaping. As now proposed the access is considered sympathetic to the rural character of the lane.



- 8.6 The proposed dwelling would be well set back from Long Copse Lane to the rear of the Coach House. It would be of traditional design and constructed in stock brick and clay tiles, and as such is considered to respect the character of the area.
- 8.7 With respect to its siting in a backhand position, the adjacent property at No 44 is set back on the plot, and given the varied siting on this part of the lane, the backhand nature of the development in itself is not considered to be detrimental to the character of the area.

(iii) Highway considerations

- 8.8 Amended plans have been received in respect of the width of the new access to the site, following a site meeting with the Development Engineer to assess the impact on Long Copse Lane and the parking for the Coach House. The revised details, which provide for on-site parking for The Coach House and a reduced width of access drive, have been assessed and found satisfactory by the Development Engineer, and are considered to be appropriate for the scale of development and nature of Long Copse Lane. The position and alignment of the new access proposed is therefore considered not to cause detriment to the safety and convenience of users of Long Copse Lane.
- 8.9 Policy DM13 and the Havant Borough Parking SPD (July 2016) set out the parking standards for new residential development in the Borough. The proposal is for one 4-bed property and the plans show parking for 3 cars in accordance with the adopted standard.

(iv) Impact upon residential amenity

- 8.10 The main impacts arising from the development relate to The Coach House, No 44 Long Copse Lane and the development currently under construction to the south. The amended plans provide for 1.8m high close boarded fencing and landscaping adjacent the driveway to soften its impact, and the siting of the dwelling is such that separation distances for windows to habitable rooms meet the standards set out in the Borough Design Guide. The property has been designed such that the only first floor windows in the side elevations serve shower rooms, and the principal elevations are to the front and rear which are located in excess of 10m from the respective boundaries, and as such the proposal is not considered to result in loss of privacy to the neighbouring properties.
- 8.11 The backland nature of the development means that the property is sited beyond the line of the rear elevation of No44; it is however, set off the boundary by over 3m and would be sited on slightly lower ground, reducing the impact in terms of loss of light and over dominance to an acceptable level.
- 8.12 Given the above it is considered that an acceptable relationship with neighbouring properties is achieved in accordance with the requirements of Policy CS16 of the Core Strategy and the Borough Design Guide.

(v) Ecology and trees

- 8.13 The submitted Arboricultural Assessment and Tree Protection Plan highlight that all high and moderate quality trees will be retained and protected. Whilst lower quality trees are proposed for removal the Council's Arboricultural Officer has raised no objection.
- 8.14 The application is supported by an ecology report which concludes the potential for protected species is limited, although the garage to the Coach House previously agreed for demolition has some potential for bats. The Council's Ecologist having assessed the proposal raises no objection subject to compliance with the submitted Preliminary Ecological Appraisal (The Ecology Co-op, March 2018) . A condition in this respect is

recommended.

(vi) Flooding

- 8.15 The site is not located in Flood Zones 2 and/or 3; however, the area has known drainage capacity issues. In line with Policy DM25, the proposal will need to provide a drainage solution which reduces surface water runoff having regard to local flooding issues and the need to contribute to Flood Alleviation in Emsworth. A condition in this respect is recommended.

(vii) Habitats Regulations Assessment and Appropriate Assessment

- 8.16 The site lies within 5.6km of Chichester and Langstone Harbour, which is designated a Special Protection Area for over-wintering birds, and hence an Appropriate Assessment is required to consider the potential impacts on a Habitats Site.
- 8.17 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment.
- 8.18 The appropriate Unilateral Undertaking has been completed and the financial mitigation package for the proposed 4 bed house of £749.00 to mitigate against the potential recreational impacts of the development has been provided.

(viii) CIL

- 8.19 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 20<sup>th</sup> February 2013. This development is CIL liable for the new residential floor space. The required forms have been submitted to enable a Draft Liability Notice to be issued with the decision notice.

## **9 Conclusion**

- 9.1 Whilst the site lies outside the urban area as defined in the adopted Local Plan, it has been identified as an allocation (UE67) in the adopted LPHS and this is considered a compelling material consideration sufficient to set aside the provisions of the Local Plan in this case. The proposed 4 bedroom dwelling can be satisfactorily accommodated on site without causing detrimental harm to the character of the area, highway safety, ecology, TPO trees or neighbouring amenity. The cumulative impacts have been assessed and found to be acceptable and the scale of development is not such that it would be prejudicial to the potential development of LPHS allocation UE76, and approval is recommended.

## 10 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00230 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Proposed site plan, floor plans and elevations and location plan PL.130.18.-03 REV A

Proposed garage plans PL130.18-05

Proposed fencing PL130.18-057

**Reason:** - To ensure provision of a satisfactory development.

- 3 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**Reason:** To safeguard the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

**Reason:** To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development hereby permitted shall commence until a surface water drainage strategy to reduce run off from the site and providing plans and particulars specifying the layout, depth and capacity of all surface water drains and/or sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant 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, DM10 and 25 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Preliminary Ecological Appraisal (The Ecology Co-op, March 2018) unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Local plan (Core Strategy) 2011.

- 8 No above ground development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

**Reason:** To ensure the appearance of the development is satisfactory 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 2018.

- 9 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

**Reason:** To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the

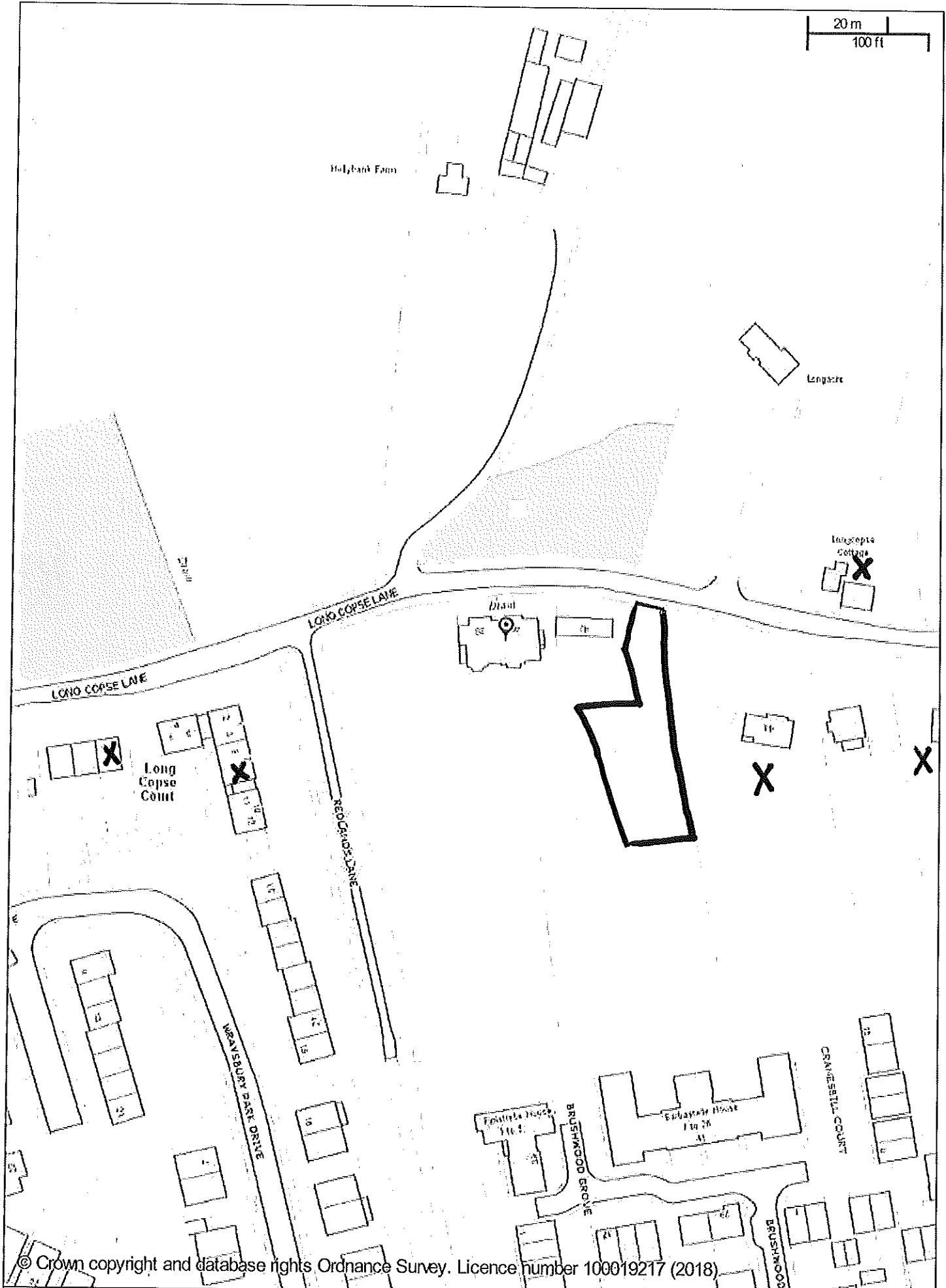
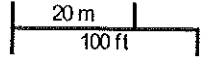
National Planning Policy Framework.

- 10 No development shall take place until all trees and hedgerows that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.  
**Reason:** To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 No part of the development shall be occupied until facilities for the storage of solid waste have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The facilities shall be maintained in accordance with the approved details.  
**Reason:** To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 12 The access, car parking, turning and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.  
**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.
- 13 The development of the site shall be carried out strictly in accordance with the submitted Arboricultural Assessment and Method Statement dated 20th July 2018 referenced 17294-AA2-AS, Plan reference 17294-BT2 and associated Site Guidance Notes with particular reference to Arboricultural Supervision (para 2.3 Arboricultural Method Statement).  
**Reason:** To prevent damage to existing trees 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 2018.
- 14 No development hereby permitted shall be commenced until full details of the engineering solution for the construction of the access and parking areas in relation to retained trees have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details unless agreed otherwise in writing by the local planning authority.  
**Reason:** To prevent damage to existing trees 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 2018.

**Appendices:**

- (A) Location Plan
- (B) Proposed Site Plan
- (C) Proposed Floor Plans
- (D) Proposed north and south elevations
- (E) Proposed east and west elevations
- (F) Proposed garage plans

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Redlands House 38-40 Long Copse Lane Ensworth APP/18/00230

Scale: 1:1250

Printed on: 21/8/2018 at 11:55 AM

Objectors are marked X, Supporters are marked /.  
Please refer to all objectors are listed on this plan.



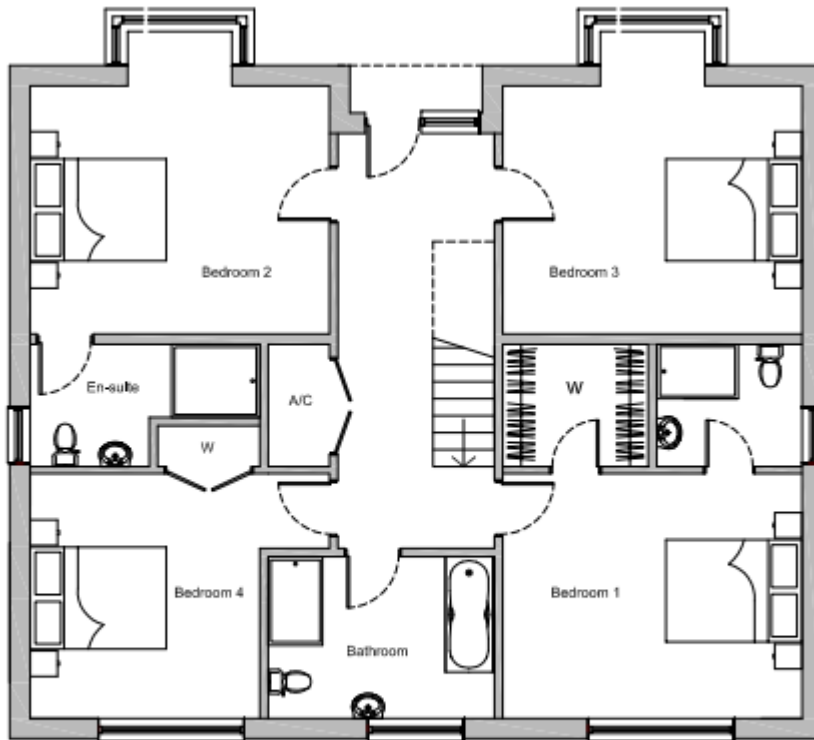
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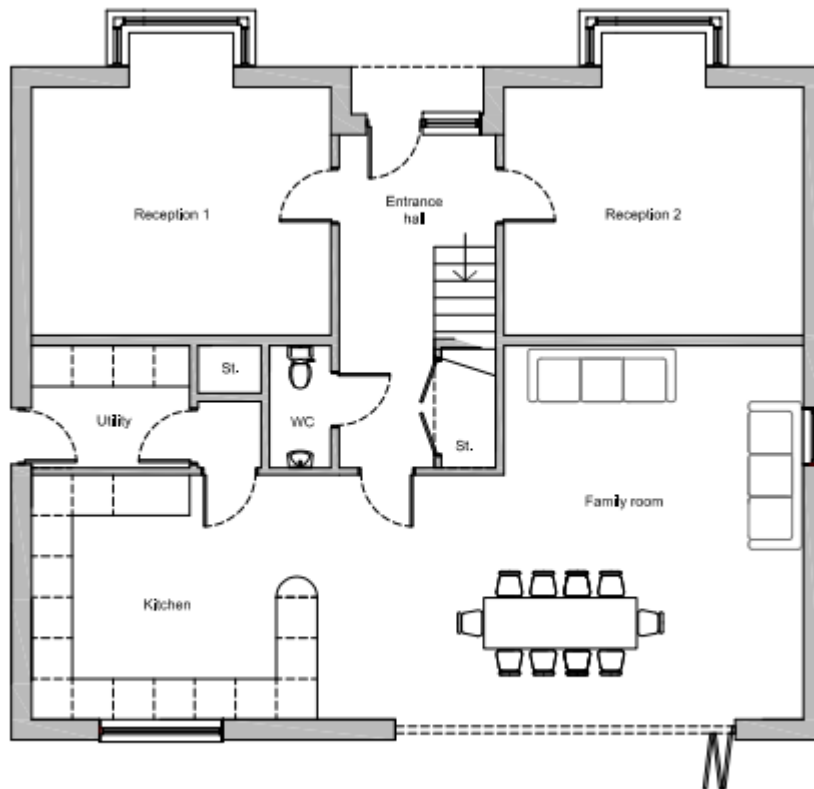




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Ground floor



First floor

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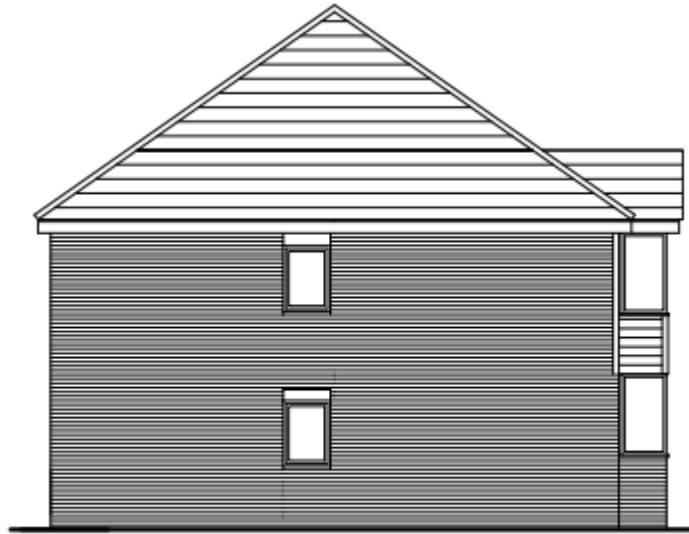


(north) elevation



(south) elevation

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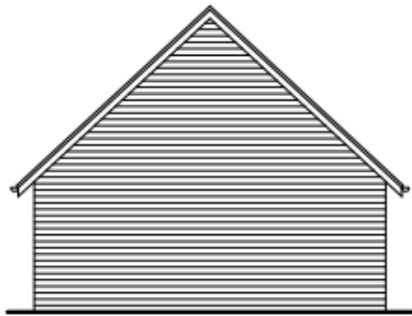
Side (east) elevation



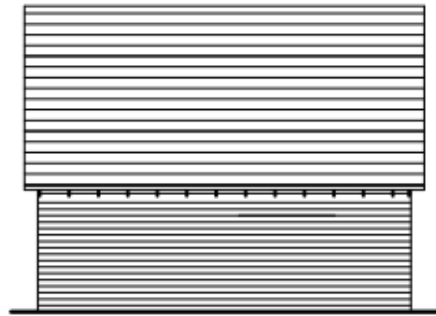
Side west elevation

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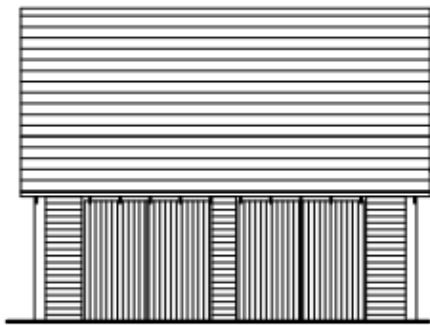




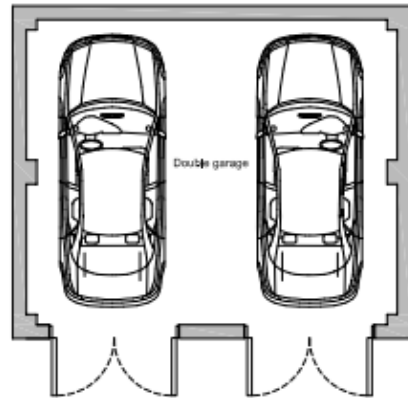
Side (north & south) elevation



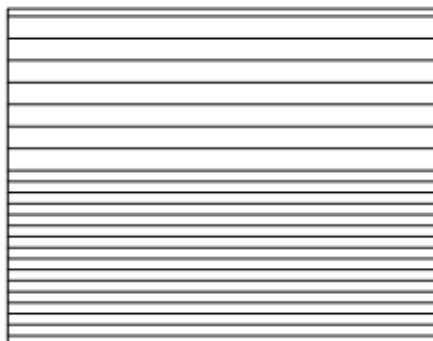
Rear (east) elevation



Side (front) elevation



Ground floor plan



Roof plan

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