



to No.3 Hawthorne Grove to the west, which has a brick boundary wall.

- 3.2 The application seeks to amend the previously approved position for a raised table feature within the access road, in order to regularise the as-built construction. There is an approximate variation of 6m in the position of the ramp serving the raised table, which lies further to the north than as originally approved (see Appendix B). The application does not propose to alter the alignment or width of the road. The applicants have advised that they chose to extend the length of the raised road table to the north to ensure protection of the root structure of an adjacent veteran oak tree (T7) which is the subject of a Tree Preservation Order (see Appendix C).

#### **4 Policy Considerations**

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)  
CS16 (High Quality Design)  
CS20 (Transport and Access Strategy)  
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)  
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

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

##### **Arboriculturalist**

Having been to site I have assessed the ramp and there are no negative implications for the adjacent Oak tree.

A no dig cellular confinement sub-base has been use in conjunction with an Arboricultural Method Statement with full arboricultural supervision during installation.

No objection raised.

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

The alteration of the speed ramp/surface of the road would not require Building Regulation consent.

##### **Environmental Health Manager**

*Comments provided following a site visit to 3 Hawthorne Grove.*

As long as the road surface and "raised table" have been constructed within the parameters and acceptability of the Highway specialist, the noise of passing traffic, particularly with a high level wall alongside the property in question, is not a reason for Environmental Health to object to the application. Vibration (as included in noise) would not be different to roads constructed anywhere else.

##### **Development Engineer**

No objection.

## 6 Community Involvement

Applications requesting non-material amendments are not subject to any statutory requirements for publicity, however they are hosted on the Council's website and in this instance, in light of concerns raised about the location of the raised table by the adjoining occupier at No.3 Hawthorne Grove prior to receipt of the application, a neighbour notification letter was sent to this address.

Number of representations received: 2

- 6.1 Alleged structural damage resulting from vehicles transiting between the two road surfaces.

**Comment:** Allegations of private property damage are a private matter and not a material planning consideration.

- 6.2 Noise and vibration resulting from the raised table location causes disturbance to the adjoining property. Speeding cars and grounding of vehicles is particularly disruptive to No.3 Hawthorne Grove. Assessments of impact should be made during times of peak traffic flow.

**Comment:** A representative of the Council's Environmental Health Team has visited No.3 Hawthorne Grove and confirmed that any vibrations resulting from the revised position of the ramp for the raised table would not warrant an objection to the current layout for reason of noise or vibration.

- 6.3 The ramp serves no purpose and should be removed or levelled out.

**Comment:** The proposed "as built" position of the ramp relating to the raised road table meets a material planning consideration for the protection of a tree subject to a tree preservation order (T7). The Council's Development Engineer has raised no objections to the design of the ramp.

- 6.4 The speed table is not in the right place and is not effective in controlling speed.

**Comment:** The amendment requested retains a speed table, the only difference being that it has been extended 6m further north. The Council's Development Engineer has raised no objections to the design of the ramp.

- 6.5 Residents have made suggestions to the applicants of how to improve the current situation but have not been pursued.

**Comment:** Alternative highway designs are not before the Council for consideration – only whether the revised ramp location can be regarded as a 'non material' amendment to the existing permission.

- 6.6 A number of other matters remain to be resolved in relation to the 'Halyards' development.

**Comment:** This is not a relevant consideration for this application, which must be considered on its own merits.

## 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) Determination of the application as a non-material amendment
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways issues

(i) Determination of the application as a non-material amendment

7.2 Government guidance issued in 2014 set out the desirability for there to be flexible options for planning permissions. The Planning Practice Guidance from the DCLG states the following:

*When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.*

*New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 would need to be submitted. Where less substantial changes are proposed, a non material amendment may be used.*

7.3 There is no statutory definition of "non material" as this determination will be dependent on the context of the overall scheme. The Local Planning Authority is, however, required to have regard to the effect of the change before deciding whether it is "non material" or not.

7.4 In reaching a conclusion as to whether the amendment applied for is material or not, it is considered that the principal considerations relate to its impact upon the character and appearance of the area; its impact on residential amenity; and its impact on highways issues.

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

7.5 The effect of the revised ramp location serving the raised table is to increase the extent of block paving used for the table by approximately 6m more than on the originally approved details. This is not considered significant in relation to the overall scale of the Halyards development and, if anything, is considered to have a beneficial impact upon the character and appearance of the area and is in the interest of the longer term health and vitality of a veteran oak tree subject to a Tree Preservation Order which is important to the visual amenity of the area.

(iii) Impact upon residential amenity

7.6 Considerations of noise and vibration have been assessed with regard to the impact on residential amenity. Having regard to the advice of the Council's Environmental Health officer who has visited the adjacent property at No.3 Hawthorne Grove to assess the impact of the usage of the revised ramp position at first hand, it is considered that there is no significant impact from the proposal in this regard. Allegations of private property damage are not a material planning consideration and cannot therefore be assessed when determining this application.

(iv) Highways issues

7.7 In terms of the operation of the road network serving the Halyards development, the proposed amendment retains the principle of a raised speed table within the entrance road leading to the estate, merely increasing the extent of the table by approximately 6m. This is not considered a '*fundamental or substantial*' revision to the approved plans. The Development Engineer has raised no objections to the amendment.

## 8 Conclusion

8.1 Having regard to the DCLG's Planning Practice Guidance with respect to the use of non material amendments to vary planning permissions, it is considered that, when

considering the context of the amendment proposed, the application does not represent a fundamental or substantial revision to the details originally approved as part of the Halyards development. The proposals are considered to have no material effect on residential amenity or highways issues, and are considered to marginally improve on the character and appearance of the area through preservation of a protected tree.

- 8.2 The application is therefore considered to meet the criteria of a non material amendment and the application is recommended for approval.

## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00352 subject to the following conditions:

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

Drwg. No. 4159/01 Rev G - Engineering Layout

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

### **Appendices:**

- (A) Location Plan
- (B) Comparison Plan
- (C) Tree Protection Plan
- (D) 'No Dig' Cross Section