



Development to the west of the site comprises Brook Gardens where several properties back onto Western Avenue and the access road which serves Orchard House and the Vine House. The boundary treatments are a mixture of mature trees, hedges, walls and fences.

## **2 Planning History**

97/62058/000 - Single storey extension to south elevation with metal balustrade over, creating balcony at first floor level, PERM,29/07/1997

## **3 Proposal**

- 3.1 Demolition of existing dwelling and removal of several onsite trees (protected under Area Tree Preservation Order 2068/2017) and the erection of 25no. retirement living apartments with communal facilities, car parking and landscaping. The apartments are to be for people of 60 years or over. Amended plans were submitted on 23 November 2017 which reduced the footprint of the building in response to officer and consultee concerns. The apartments would now comprise 21 x 2 and 4 x 1 bed units.
- 3.2 The sheltered apartment block comprises a 'T' shape building which is predominantly 2-storey in height with a central section of 2.5 storeys. The highest part of the building would be 8.5m and 6.5m to the two-storey sections. It would extend 54m across the width of the site on the front facing west. Balconies would be situated on the front/west facing and rear/east facing elevations and first and second floor levels.
- 3.3 The design approach to the proposal is contemporary in nature with a flat roof design and use of a mixture of brick and cladding materials. The development would include shared amenity areas within the grounds with a network of paths linking back to the building.
- 3.4 A total number of 24 parking spaces are proposed. The car parking provision would be split over two areas, one being in the north east corner of the site comprising 7 spaces and the other to the frontage of the building comprising 14 spaces, with a further 3 spaces being located to the western boundary. There is also a mobility scooter store room and an internal refuse area on the ground floor.
- 3.5 The application is supported by a number of supporting documents:

- Materials schedule
- 5 Year Housing Supply Statement
- Arboricultural Report
- Arboricultural Method Statement
- Tree Constraints Plan
- Archaeological Desk Based Assessment
- Design and Access Statement
- Extended Phase 1 Habitat Report
- Financial Viability Assessment
- Foul and Surface Water Drainage Assessment
- Planning Statement
- Geotechnical Investigation Report
- Refuse and Waste Plan
- Statement of Community Involvement
- Transport Statement
- Visual Images
- Flood Risk Assessment
- Junction Technical Note

#### **4 Policy Considerations**

National Planning Policy Framework  
Havant Borough Council Borough Design Guide SPD December 2011  
Havant Borough Council Parking SPD July 2016

##### Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS7	( )
CS8	(Community Safety)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM7	(Elderly and Specialist Housing Provision)

##### 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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

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

##### **Arboriculturalist**

##### **Initial response:**

There are a high number of trees highlighted for removal as part of the proposed scheme, a number are lower quality trees (walnut in decline and a small cherry) however some of the trees identified are considered trees that should pose a constraint to development – namely these below:

T7 – Oak  
T12 – Horse Chestnut  
T17 – Holm Oak  
T25 - Weeping Willow

There is also a significant loss of hedging groups, mature shrubs and extensive cutting back of boundary hedging – to the point of detriment.

In addition to this the relationship between the Ginko and Sliver birch with the new development is considered un sustainable – not to mention the problematic demolition of the existing dwelling in relation to the Ginko.

The proposed mitigation tree planting for this site is considered to be weak and does

not adequately allow for the proposed losses.

It should also be noted that a fine mature Maple was removed during the pre app process before any TPOs were made on site.

I raise objection to this application.

**Officer Comment:**

*Further to this response, the plans were revised to reduce the loss of significant trees on the site. Amended plans were submitted on 23/11/17 which retained T12 by moving the building further back into the site. Replacement tree planting is proposed for the loss of T7 on the boundary with Brook Gardens properties. The Council's Tree Officer was consulted on the amended plans and his updated response is provided below.*

**Further response based on amended plans:**

The relationship is still close, however there is now a 5m separation between the Horse Chestnut and the building, there are parking bays below the canopy of the tree also.

I feel that this is a sustainable situation and the applicant has worked with us on designing the scheme (x2 revised plans following my comments) to retain the tree.

I still raise objection to the removal of the Holm Oak and have concerns regarding the retention of the Ginkgo – however this is a planning decision for you to make on balance based on the importance / viability of the scheme.

The replacement trees shown to mitigate for the loss of the Oak must be agreed in terms of size and species with the Council.

**Building Control, Havant Borough Council**

Location of bin store is not indicated and should comply with Approved Document H

Fire Authority information should be confirmed including turning facility on site and access to perimeter of building

Staircase adjacent Unit 25 does not include window for smoke venting so elevation will change

Additional information will be required regarding internal layout and fire protection, disabled access, ventilation provisions, flues and paths around building to keep widths clear of windows and other obstructions. Other issues may also arise

**Community Infrastructure, Planning Policy & Urban Design**  
**The Community Infrastructure Officer can advise:**

**Community Infrastructure Levy**

This development will be **subject to CIL** (rate £100 per sqm plus indexation appropriate to the date permission is issued).

**S106**

- Solent Recreation Mitigation Partnership Financial Contribution – due on first occupation, 25 X £181 per dwelling plus £9.00 per dwelling monitoring (updated 01/04/2017)

- Off site Affordable Housing Contribution
- Monitoring Fees
- Plus any other Heads of Term identified by consultees

**County Archaeologist**  
**Summary of full response:**

Any decision should include the following condition:

‘That no development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. This assessment should initially take the form of trial trenching within the footprints of the proposed houses, amenity areas and access roads. If the results of the evaluation are deemed significant enough by Havant Borough Council, then a programme of archaeological mitigation of impact based on the results of the trial trenching should be carried out in accordance with a further Written Scheme of Investigation that has been submitted to, and approved by, the Planning Authority. Following the completion of all archaeological fieldwork, a report will be produced in accordance with an approved programme including, where appropriate, a post-excavation assessment consisting of specialist analysis and reports together with a programme of publication and public engagement.’

**County Ecologist**

The application is accompanied by an Extended Phase 1 Habitat Survey and Phase 2 bat surveys report (Abbas Ecology, June 2017). This report concludes that no bats are considered to be roosting within the site. I am satisfied that further survey works is unnecessary.

If you are minded to grant permission can I recommend that ecological mitigation and enhancement measures are secured by condition.

*Development shall proceed in accordance with the ecological mitigation and enhancement measures detailed within the Extended Phase 1 Habitat Survey and Phase 2 bat surveys report (Abbas Ecology, June 2017) unless otherwise agreed in writing by the Local Planning Authority.*

*All ecological mitigation and enhancement features shall be permanently retained and maintained.*

*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 Core Strategy March 2011.*

**Developer Services, Southern Water (SW)**

**Initial response:**

SW currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Should the Local Planning Authority be minded to approve the application, Southern Water would like the a condition included which requires a detailed drainage strategy to be improved prior to the commencement of development.

**Further response provided on 26/7/17**

Further to our previous correspondence regarding the above planning application consultation and discussions with the developer regarding the proposed foul flow rates to be discharged in to the system:

Southern Water can provide foul sewage disposal for a discharge rate of 0.0651 l/s to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

“A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.

**Further response: provided on 26/7/17**

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**Officer Note:**

*Further information in the form of a revised drainage plan and a Flood Risk Assessment and Drainage Strategy was submitted.*

**Further response dated 24/11/17:**

The proposed foul and surface water drainage strategy is acceptable to Southern Water. An approval for connections to the public foul and surface water sewers should be obtained under Section 106 of the Water Industry Act.

Any drainage adoption proposals should be agreed and approved by Southern Water under Section 104 of the Water Industry Act. Please note that non compliance with Sewers for Adoption standards and Southern Water requirements will preclude the

future adoption of the drainage network.

### **Development Engineer - Highways**

#### **Initial response:**

The increase in vehicular movements are not sufficient to refuse the application for a justifiable highway reason given the guidance in the National Planning and Policy Framework which states refusal is only justifiable where the cumulative impacts of development are severe.

However there are proposals for an improved Emsworth Town Centre pedestrian network to encourage modal shift away from the private motor car for local journeys. Occupiers of the development would be expected to use Emsworth as their local centre.

This scheme is included in the Local HBC Transport Access Scheme as HBC 0089 - the enhancement of the existing informal pedestrian crossings and the establishment of a 20mph zone. The cost has been estimated at £50,000.

#### **Further response:**

The junction design meets the requirements of the highway authority in demonstrating that it will have no substantive impact.

### **Education Department**

No education contribution is required.

### **Environmental Health Manager, Community Group**

#### **Summary of full response:**

#### **Contamination:**

Limited potential for contaminated land however, please include the following condition on any decision notice:

*"In the event that suspected contamination (soil, groundwater or buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.*

*The scheme may comprise separate reports/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;*

*1) Investigation in the vicinity of suspected contamination, sufficient to characterise its nature, likely extent & mobility,*

*2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*

*3) Where potentially unacceptable risks are identified by 2), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

*All assessments, works, monitoring & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved. Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;*

*A. A statement confirming that no suspected contamination was identified during development, OR;*

*B. Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.*

*Reason: Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, there is a potential for contamination to exist at the site within made ground which could pose a risk to occupants”*

**Asbestos:**

It is recognised that asbestos containing material is likely to be present within building materials of the residential building to be demolished. The ACS report refers to these in the context of the Health & Safety of site personnel and the Control of Asbestos Regulations ('12).

No conditions are proposed with respect to asbestos, though this in no way discharges the duties of the applicant and their demolition contractors to make reasonable efforts to identify, manage, and properly dispose of any asbestos containing materials encountered, without release of fibres to the environment.

I would also make clear that any deposits of asbestos containing materials found within soils are contamination, and must be reported & appropriately treated under the condition proposed above.

**Air Quality:**

No objection.

**Hampshire Fire & Rescue**

No objections - see full response for advice for developer.

**Hampshire Highways**

The Highway Authority's comments on this application should be made by the District Council's own engineers, due to the size of the application being below that of the Agency threshold and agreement.

**Housing Manager (Development)**

Following a review of the viability review, the offered sum of £284,744 is deemed to be acceptable towards the affordable housing contribution in the Borough.

**Local Lead Flood Authority HCC**

**Initial response:**

We require the following further information/clarification on the proposals in order to provide a response:

- Pre and post development combined greenfield and brownfield run-off calculations.
- Pre and post development run-off volume calculations.
- Information on the correct number of treatment stage in the system is required.
- Information on who is going to be undertaking the general maintenance regimes and evidence that those maintaining the drainage system are in discussion with the developer.
- Exceedance flows need to be considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow and evidence that neighbouring properties will not be put at a greater risk of flooding

post development is required.

□ The drainage strategy looks to change the pattern of discharge from the site by discharging to a surface water sewer. It has not been demonstrated that this will not lead to an increase in flooding downstream. Evidence also needs to be provided to show that initial discussions have taken place with Southern Water and third party landowners with regards to adoption of the proposed surface water rising main.

Please note that the mechanism for securing long-term maintenance will need to be considered and agreed between the applicant and the Local Planning Authority. This may involve discussions with those adopting and/or maintaining the proposed systems, which could include the Highway Authority, Planning Authority, Parish Councils, Water Companies and private management companies.

#### **Further response:**

The only outstanding document required now is a detailed maintenance plan for the surface water drainage elements, detailing who will be responsible for the long term maintenance of the elements, what this maintenance requires and evidence that the adopting body is aware of and agree to their responsibilities. We are happy for you to condition the production of this document.

#### **Planning Policy, PPUD**

##### **Principle of Development:**

The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough. The proposal involves the demolition of the existing dwelling for the construction of 25 two-bedroom residential apartments. This will increase the density and thus maximise residential development on a brownfield site. This is supported by Guiding Principle 3 of the LPHS.

##### **Housing Provision:**

Since the adoption of the Local Plan (March 2011 and July 2014), the Partnership of Urban South Hampshire (PUSH) published the Spatial Position Statement (June 2016). This document highlighted Havant Borough's objectively assessed need (OAN) for housing as 11,250 dwellings by 2036. As such, the proposal will assist Havant Borough in achieving its housing need.

##### **1) Affordable Housing Provision:**

Policy CS9, in combination with the HBC Housing SPD (2011) and the Ministerial Statement (published summer 2016) require new developments of over 11 dwellings to contain 30-40% affordable dwellings. Further to this, the Housing SPD states that: *"The requirement for affordable housing to be provided extends to all types of residential development (Use Class C3), for five (gross) or more residential units\*, including retirement homes (sheltered accommodation), special needs housing and Extra Care Schemes"* (paragraph 2.15, page 18).

[\*please note that, in accordance with government guidance, the threshold has changed to 11 or more since the adoption of the Core Strategy and the Housing SPD]

The Housing SPD also highlighted in 2011 that 17% of the Emsworth demographic were active elderly residents, whom had a mixed income level, ranging from wealthy to those *"living by modest means"* (p27). A further 5% of the population were elderly people reliant on state support.

A Financial Viability Assessment was submitted to support the application and is currently being reviewed by Havant Borough's Housing Officer.

## **2) Elderly and Specialist Housing Provision:**

The 2011 census recorded the population of Emsworth as 8,628, of which 27% were aged 65 years and over. Hampshire Country Council (HCC) collects a variety of datasets and produces the "Small Area Population Forecasts" (SAPF) to estimate the population between censuses. The SAPF estimated that the population of Emsworth rose to 10,289 people in 2015 and as such, 36% were aged over 65 years. In addition, the SAPF has estimated that by 2021 the population of Emsworth will be 11,052 and that 34% will be aged over 65 years.

From the above, it can be seen that the proportion of Emsworth residents who are over the age of 65 years has risen since the adoption of the HBC Housing SPD. Policy CS7.3 (Community Support and Inclusion) acknowledges this disproportionate growth in its supporting text (Paragraphs 4.14 and 4.15) and highlights the need to provide services for older people.

In addition, the proposal aims to achieve social inclusion through a range of communal facilities to *'help create a sense of community within the development'* (as stated in the submitted Design and Access Statement).

Policy DM7 sets out the requirements for Elderly and Specialist Housing, these are replicated below:

- 1) It is demonstrated that appropriate levels of on-site amenity space are accessible for residents' use which provides a satisfactory outlook for all residents.
- 2) A setting for the building is provided which is in keeping with the surrounding area.
- 3) Sufficient space for servicing is provided.
- 4) Services that may generate noise and disturbance (such as laundry rooms, kitchens and refuse storage) are located and designed to avoid undue disturbance to the amenities of neighbouring properties.
- 5) The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas.

The supporting text of Policy CS7 specifies in paragraph 10.25 of the Local Plan (Core Strategy) that *'in the case of flats, areas of well landscaped gardens will be important to ensure that residents have the opportunity to access amenity space on site'*.

With this, paragraph 10.26 of the supporting text of the policy highlights that: *'It is recognised that the occupiers of some specialist housing often require access to local services including shops and health facilities and public transport routes. Development for sheltered housing, facilities for the active elderly and for the disabled will be encouraged towards locations where these services can be accessed by non-motorised modes of transport so that a degree of independence can be maintained'*.

The site is within 1km of Emsworth District Centre where there is access to dental, doctor and optician facilities, as well as a range of shops, cafes and restaurants. With this, Western Avenue leads onto the main Havant Road (A259) which is an active bus route between Havant Town Centre and Emsworth District Centre. As such, this proposal is also welcomed by Policy DM11 (Planning for More Sustainable Travel).

**Community Safety:** The submitted Design and Access Statement refers to the natural surveillance of the proposed building's shape. This is welcomed by Policy CS8.3. The submitted Planning Statement outlines how *'supervision and support will be provided by a house manager and a 24 hour Careline system to provide additional support and security'*.

**High Quality Design:** The application takes into consideration the amenity of neighbouring properties with respect of outlook, overlooking and privacy as set out in pages 6, 14 and 15 of the submitted Design and Access Statement. This includes further planting around existing tree and vegetation screens as well as consideration to the position and locations of balconies and windows. The above is welcomed by criteria 1c), d) and e) of Policy CS16 (High Quality Design).

**Parking:** Policy DM13 and the Havant Borough Parking SPD (July 2016) set out the parking standards for new development in the borough. The vehicular parking requirements for older people's housing are set out in Table 4C on page 11 of the SPD.

Table 4C states that:

- Given the broad range of accommodation available and the resulting variability of parking requirements, parking will be considered on a site by site basis. A full assessment of parking need should be provided (see notes 3 and 4).
- Age restriction conditions or legal undertakings may be appropriate to define the age of occupants. Mobility vehicle storage provision may also be required in addition to cycle long and short stay provision (see Table 4D).

With regard to the latter point, the proposal includes "*extensive cycle and mobility scooter storage with charging points conveniently located within the building*" (see page 6 of the submitted Design and Access Statement). The application proposes 28 car parking spaces in total, with storage for both cycles and mobility scooters.

**Flooding:** The site is not identified as flood zone 2 or 3. The site is located in Emsworth; therefore, Policy DM25 will apply.

**Tree Preservation Orders (TPOs) and Landscape:** The site has recently been placed under a Tree Preservation Order (TPO). Therefore, the criteria of Policy DM8 must be met.

The retention of the majority of the site's existing mature trees and hedges (as specified on pages 6 and 18 of the submitted Design and Access Statement) is welcomed and shows initial conformity with Policy DM8. The council's Arboricultural Officer will be able to provide additional, more thorough, comments.

The site is near to the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and the Brook Farm Site of Interest for Nature Conservation (SINC). Even though the site is not directly in or adjacent to the AONB (and thus the soon to be adopted Chichester Harbour AONB does not apply), paragraph 7.14 of the Local Plan (Core Strategy) states that:

*"The flatness of the landscape makes the AONB particularly vulnerable to visual intrusion from inappropriate development, both within or adjacent to the boundary, which can often be seen from significant distances across inlets, the main harbour channels, or open countryside"*. Therefore, Policies CS11 and CS12 will apply.

**Developer Contributions:** Havant Borough Council has an adopted CIL Charging Schedule which is applied to new residential development in the borough in addition to the requirements of Policy CS21. The Solent Recreation Mitigation Partnership (SRMP) contribution will also be payable in accordance with Policy DM24.

**Recommendation:** No objection in principle, providing that the criteria of the policies mentioned above are met.

**Landscape Team, HBC:**

**Summary of response:**

Existing trees add a lot of value to the landscape and the softening/screening of views into/off site. Further assurance required to demonstrate that the construction process will not have an adverse effect on remaining existing trees.

Tree protection plan should demonstrate the location of the RPAs and protective barriers should site outside this area where possible.

A detailed replanting scheme would be required to reduce visual impact and overlooking of neighbouring properties.

The style and material choice of the building is deemed to not be in keeping with the existing streetscape of Emsworth, however due to the development being located off a private road and not significantly visible from the public highways/footpath from a landscape perspective it is not contrary to planning policy CS16. Providing sufficient boundary screening is implemented within the planting plan to mitigate views onto/out of the site. Further detailing of hard surfacing will need to be submitted.

**Traffic Management, HBC****Summary of response:**

This application would normally require 53 car spaces to be provided. However, given the accommodation proposed and the varying needs of occupants the parking requirements of older people's housing should be considered on a case by case basis and requires a full assessment of individual needs to be submitted in the Design and Access Statement, Transport Assessment or other supporting information.

Whilst this has been provided it is considered that the disadvantaged location, well away from the Town centre, will be more attractive to residents with vehicles. Whilst the full requirement for 53 vehicles may be excessive, the actual number of spaces needed may well fall between what is proposed and what is required.

For this reason, if the development is permitted that provision is made for a sum no less than £3000 (plus the costs associated with advertising the proposals and any works) to be provided by the developer to be set aside to allow a TRO to be processed at any time during the period beginning from the commencement of development and ending 3 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the adjoining local highway network.

**Further response provided on 13/12/17:**

The contribution is requested to ensure that any parking from the development does not interfere with the capacity, operation or safety of the adjoining local highway network. Therefore the future TRO may not actually be on the private road, but may be on any adjoining road where a parking issue has emerged as a result of the development. Also, the Council can place a TRO on private land, subject to the approval of the land owner.

**Waste Services Manager**

No objections

## **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: 38

Number of site notices: 3

Statutory advertisement: 30/06/2017

A total of 52 objections were received against the application and 11 letters of support. A summary of the representations received is provided below:

- a. Adverse loss of trees
- b. Overlooking of properties in Brook Gardens due to loss of trees and balconies
- c. Noise and disruption from parking area to Brook Gardens.
- d. Modern design of out of character with the area
- e. Loss of trees would result in a loss of wildlife habitat
- f. Construction period would cause disruption
- g. 25no. units would not make an impact on housing numbers.
- h. Size of development is too large when compared to existing development.
- i. Increase in traffic movements would be dangerous and disruptive on such a small road
- j. Proposal would have an impact on residents of the Springfield Care Home.
- k. Proposal would not accord with Policy CS8 of the Local Plan.
- l. Ownership of Western Avenue is uncertain and nothing in place to secure long term maintenance.
- m. Orchard House is subject to old covenants to regulate future development.
- n. The road is too narrow for two cars to pass each other and no passing places.
- o. Limited visibility when turning in and out of Western Avenue.
- p. Traffic risk onto Havant Road.
- q. Road surface is not suitable for the increase in cars.
- r. The proposal will alter the existing quiet character and ambience of the road by significantly increasing the intensity.
- s. Bats have been seen on the site.
- t. Housing argument put forward is watered down by current legislation.
- u. Design and Access Statement shows incorrect boundary with 1C.
- v. Ambiguity of plans for top level access. Balconies would result in a loss of privacy to neighbours from overlooking.
- w. Existing sewerage infrastructure is insufficient to have capacity for the new development and will increase the risk of flooding
- x. No space left for delivery vehicles, fire, police and ambulances.
- y. Southern Water cannot cope with the additional foul flow but this is only during normal circumstances as the drains are in very poor state of repair.
- z. Lack of cycle parking.

Support:

- a. This type of accommodation will free up well needed family homes in Emsworth
- b. The government will not provide this type of housing for elderly people so it is down to the developers.
- c. The location of the site is excellent for local amenities

## **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 trees
- (v) Highway and parking considerations
- (vi) Drainage and flood risk
- (vii) Ecology
- (viii) Other Issues

(i) Principle of development

7.2 Local Plan (Allocations) Policy AL1 of the adopted Allocations Plan advises that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, with regards to securing development that improves the economic, social and environmental conditions of the area. The Council will seek to meet the housing needs of the Borough, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Planning applications that accord with the policies in the local plan should be approved unless material considerations indicate otherwise.

7.3 The application site is located within the urban area, and is considered to be in a relatively sustainable location being within a walking distance of a main bus route on Havant Road and within 1 mile (check) of the designated town centre (Emsworth) which provides access to amenities in the form of transport, health provision and retail opportunities.

7.4 The proposal as submitted seeks to develop the site for 25no. retirement homes. The 2011 census recorded the population of Emsworth as 8,628, of which 27% were aged 65 years and over. Hampshire Country Council (HCC) collects a variety of datasets and produces the "Small Area Population Forecasts" (SAPF) to estimate the population between censuses. The SAPF estimated that the population of Emsworth rose to 10,289 people in 2015 and as such, 36% were aged over 65 years. In addition, the SAPF has estimated that by 2021 the population of Emsworth will be 11,052 and that 34% will be aged over 65 years. From the above, it can be seen that the proportion of Emsworth residents who are over the age of 65 years has risen since the adoption of the HBC Housing SPD. Policy CS7.3 (Community Support and Inclusion) acknowledges this disproportionate growth in its supporting text (Paragraphs 4.14 and 4.15) and highlights the need to provide services for older people.

7.5 Policy DM7 (Elderly and Specialist Housing Provision) sets out the requirements for Elderly and Specialist Housing, these are replicated below:

- 1) It is demonstrated that appropriate levels of on-site amenity space are accessible for residents use which provides a satisfactory outlook for all residents.
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- 3) Sufficient space for servicing is provided.
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- 5) The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas.

- 7.6 The supporting text of Policy CS7 specifies in paragraph 10.25 of the Local Plan (Core Strategy) that *“in the case of flats, areas of well landscaped gardens will be important to ensure that residents have the opportunity to access amenity space on site”*.

With this, paragraph 10.26 of the supporting text of the policy highlights that:

*“It is recognised that the occupiers of some specialist housing often require access to local services including shops and health facilities and public transport routes. Development for sheltered housing, facilities for the active elderly and for the disabled will be encouraged towards locations where these services can be accessed by non-motorised modes of transport so that a degree of independence can be maintained”*.

The site is within 1 mile of Emsworth District Centre where there is access to dental, doctor and optician facilities, as well as a range of shops, cafes and restaurants. With this, Western Avenue leads onto the main Havant Road (A259) which is an active bus route between Havant Town Centre and Emsworth District Centre. As such, this proposal is also welcomed by Policy DM11 (Planning for More Sustainable Travel).

- 7.7 Policy CS9(2) of the Core Strategy requires the provision of 30-40% of units of developments of 10 units or over to be affordable housing. At 30% this would equate to 7.5 units. The developer has requested to provide a sum in lieu of the on site provision, which acceptable to the Council's Housing Manager. The developer has submitted viability information with the application which includes an amount of £76,000 towards affordable housing. This viability information was reviewed by a third party who advised the Council that based on certain variables, a higher sum could be provided. Following negotiations, a sum of £284,744 has now been offered as an affordable housing contribution which is considered to be acceptable by the Housing Manager.
- 7.8 The applicant has referred to the Council's 5 year housing supply in the Planning Statement to advise that in accordance with the NPPF, this should be a material consideration in decision making. The application makes the point that the Council currently does not have a 5 year supply based on an objectively assessed need. Since the time of submission, the Council has published its latest housing figures in the Annual Monitoring Report (AMR). This reveals that the Council has a supply of 4.9 years, which equates to only 57 dwellings short of a 5 year supply. It is therefore considered to be in a strong position in terms of housing supply and this is not, in itself, considered to be an overriding matter in this case. Nonetheless, as discussed in Para 7.2 above, the Council will seek to meet the housing needs of the Borough, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

- 7.8 The character of the existing development along Western Avenue is a mix of large detached dwellings, set within mature landscaped plots with the exception of the Springfield Care Home at the entrance to the road. Orchard House has by far the largest plot (approximately 4200sqm) which extends to the south towards the Vine House. The height of the building would be mainly 2-storey with the care home being 2.5 storeys, with accommodation in the roof space. Western Avenue has a strong established verdant character with a variety of mature trees and landscaping. The application site in particular includes several mature trees which are subject to an area Tree Preservation Order (TPO). The verdant character assists in making the site well screened from properties to the west in Brook Gardens. Whilst the mature trees are not located on the eastern boundary with properties in Beach Road, there is a substantial mature hedgerow along this boundary to a height of 2m or just above.
- 7.9 Policy CS16 of the Local Plan (Core Strategy) seeks to ensure high quality design with

new development in the Borough. The policy advises that all development should respond to, draw inspiration from and respect local context and;

- a. identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site
- b. Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest
- c. Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;
- d. Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and
- e. The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

- 7.10 The properties in Western Avenue vary in design but are mainly traditional in style, constructed of brick and tile with pitched roofs. The proposed design has a more contemporary approach using a flat roof and incorporating some contemporary materials such as cladding panels and timber effect composite cladding, but does also include brick. The building would be significantly larger than other properties in Western Avenue, Brook Gardens and Beach Road. It would extend 54m across the front of the site (facing towards the west boundary) and almost 40m in depth at the longest point. The total height of the proposed building would be 8.5m, with the height of the first floor being 6.5m.
- 7.11 However, whilst the proposed building would be much larger in scale and footprint and could be considered out of character in that respect, it must be acknowledged that the site area is significantly larger than the surrounding plots. The size of the plot is considered capable of accommodating the scale of building proposed, whilst still retaining substantial areas of open space and landscaping around the boundary. Whilst the footprint is larger compared to neighbouring properties, the height of the building would be lower in height than the ridge height of the existing dwelling and would be no higher than the adjacent neighbour at Claremont, Mendip Lodge or the Vine House. Generally the site for the proposed development would be screened from the public domain with access only via a private road. By keeping the height the same as the neighbouring dwellings, the development would not be highly visible from Havant Road.
- 7.12 The proposal includes the removal of several on site trees which contribute to the verdant character of the site and its surroundings. This is discussed in more detail below however, the Council's Tree Officer initially raised an objection to the loss of particular trees on the site, those being T12 (Horse Chestnut) and T7 (Holm Oak) which are located to the west of the site and which due to their size, have a high amenity value in the wider area, with T7 forming a strong boundary screening with properties in Brook Gardens. In response to this objection, the scheme has been revised to make the building footprint smaller to allow the retention of T12 and propose replacement tree planting in lieu of T7 which was agreed to be in ill health. The plans were also revised to confirm that the boundary hedging along the eastern boundary with properties in Beach Road is to be retained at a minimum width of 2.5m at its existing height.
- 7.13 Therefore, other than several trees located more centrally within the development site which although are good specimens, do not hold a wider amenity value and therefore should not pose a constraint to development, the majority of trees on the site are to be retained, particularly the mature specimens on the western side of the site which form a boundary to Brook Gardens. There are also two large protected trees in the centre of the site towards the north boundary which are to be retained. Whilst the Tree Officer has

raised concerns that the relationship with the Ginko tree may be unsustainable due to the proximity to the building, this would be need to be weighed up against the benefits of the scheme. Overall and on balance, it is considered that the existing verdant character of the site would be substantially retained, which would assist in mitigating the visual impact of the building from the neighbouring properties and the already limited view of the building within the wider streestcene.

- 7.14 It is acknowledged that there would be an impact on the character of the area in terms of the intensified use of the site from 1no. to 25no. units and the associated activity which comes with a residential development, including an increase in traffic movements (this is discussed in more detail below). However, this needs to be weighed up against the benefit of the provision of more specialist housing for the Borough on a previously developed site in the urban area.
- 7.13 When weighing the proposal against Policy CS16, whilst it is considered that the design approach is contemporary, the footprint of the building is larger and the use of the site would intensify, these factors are mitigated by the fact that the proposed building would be no higher than the existing property, would incorporate some traditional materials such as brick, retain important trees and maintain significant areas of open space about the building it, then it would comply with the policy in some respects. The delivery of specialist housing units is considered to comply with Policy AL2 of the Allocations Plan.

(iii) Impact upon residential amenity

- 7.14 The site has several neighbours and the impact on these will be discussed in turn below.

**Claremont**

- 7.15 Claremont, also in Western Parade, lies to the north of the site located 2m from the shared boundary. The proposed north elevation of the building would be set back from the front building line of Claremont and would be almost 8.5m from the shared boundary. The upper floor section would be set in a further 12.5m from the north elevation, so in total would be 21m from the shared boundary. The access road serving the rear parking court would run adjacent to the shared boundary. Whilst this section of the site does already include a driveway and garage, this is to serve one dwelling. The access road would serve 7 spaces and therefore would result in an increase in vehicle movements and associated vehicular activity.
- 7.16 However, in order to mitigate this impact, the access road has been set back from the shared boundary and separated by a wide landscape buffer of 3.5m, increasing to 4m as the access bears south into the parking court. The type of planting along this section would be subject to a landscaping condition which would carefully consider the species to be planted. On balance it is considered that whilst there would be an increase in traffic along this section, the generous landscape buffer would reduce the impact of the vehicular activity.
- 7.17 There would be two very narrow first floor windows which would face onto the side elevation of Claremont in the north elevation of the proposed buildings however, these would be set 8.5 back from the shared boundary and due to their narrow width, would afford minimal opportunity for any adverse overlooking.

**Vine House**

- 7.18 The Vine House lies to the south of the site at the southern end of Western Avenue. The closest section of the south elevation would be 5m from the shared boundary and 11m from the north elevation of the Vine House. There would be one narrow width window in this elevation however it would be obscurely glazed. Therefore it is considered that no

adverse overlooking would occur. As the proposed building extends back into the site, it is staggered away from the shared boundary with the Vine House. There is a mature hedgerow along this boundary which currently screens the site from the Vine House. The submitted plans show that existing hedge will be maintained where possible and replaced where it is in poor condition. This would be subject to a detailed landscaping condition if planning permission is granted.

### **90-100 Brook Gardens**

7.19 The rear gardens of No's 90 - 100 Brook Gardens to the west range from 10 - 12m in depth. The west elevation of the proposed building which would form the frontage would be set back 27m from the shared boundary giving a total of 37m building separation distance. Balconies are proposed on this elevation at first and second floor levels and some concern has been raised that this would result in adverse overlooking of properties in Brook Gardens. Concern has also been raised by third parties that this impact would be exacerbated by the proposed loss of trees in this section of the site which contribute much boundary screening between the sites. Of the existing mature trees along the west boundary, only T7 is now proposed for removal. It is proposed that suitable replacement planting is carried out with a specimen which would afford a similar level of screening and which would be implemented prior to any construction so as to establish the planting. Therefore given the generous distance between the buildings and the retention of the mature tree screen along the western boundary, it is considered that the proposal would not give rise to an adverse level of overlooking or loss of privacy to properties in Brook Gardens.

7.20 Concern has been raised that the parking area located to the front of the proposed building would give rise to vehicular disturbance to Brook Gardens properties. The location of parking here would result in increased vehicular activity where it currently does not exist however, the majority of the parking spaces would be set back 12.5m from the western boundary, with only three spaces being closer but also set 5.5m back from the boundary behind the boundary landscaping. Given the distances involved and the strong landscaping buffer it is not considered that the impact would be so significant as to warrant a reason for refusal on the application.

### **Beach Cottage, 1d Beach Road**

7.21 This is a recent backland development and comprises 1no. chalet bungalow . It has a private rear garden to the south which shares a boundary wall with the application site. Whilst the building would be visible, the south facing/rear elevation would be 25m from the closest point on the proposed building. There is a balcony proposed at first floor level on the rear of the building section would face towards the private amenity space of No. 1D. It is considered that any overlooking could be mitigated by screening of an appropriate height and obscuration which could be secured by a condition.

7.22 Following concerns raised by the case officer, the rear parking court serving the apartments, has been moved further back from the shared boundary and a wide landscape buffer included so that there is now a 6m separation from the boundary to the turning space. As with other sections of the site, there would be an increase in vehicular activity on this section of the site where there currently is none however, given the distances involved and the strong landscaping buffer it is not considered that the impact would be so significant as to warrant a reason for refusal on the application.

### **No's 1, 1C, 3 and 5 Beach Road**

7.23 Concern has been raised that the proposal would give rise to overlooking to the rear and

be overbearing to the amenity of neighbouring properties in Beach Road. The rear elevation of the proposed building would be 11.5m from the shared rear boundary with No. 3 Beach Road. The garden depth of No. 3 Beach Road is approximately 35m giving a back to back distance of 46.5m which is considered acceptable in planning terms and exceeds the Borough's Design Guide SPD Guidelines of 24m for a 3 storey to 2-storey back to back relationship. The taller part of the proposed building which would contain the upper floor, would include balconies on the rear elevation. However, these would be set back 20m from the rear most elevation giving a back to back distance to No. 3 Beach Road of 66.5m. No's 1, 1C and 5 would be a similar distance albeit on an angle. Overall it is considered that given these distances, any overlooking would be limited and acceptable in planning terms. There is a mature hedgerow in place along the eastern boundary. It is proposed that this is to be retained at a minimum depth of 2.5m to provide a strong landscape buffer along this section of this site.

7.24 Overall whilst the proposal would result in a larger building on the site, the site area is of such a size that the building would be sufficiently positioned away from the shared boundaries with neighbouring properties and due to a combination of mature boundary screening and the actual design of the building using obscured glazed where necessary, the proposal would not give rise to adverse overlooking, loss of privacy and significant loss of amenity from increase vehicular movements.

(iv) Impact on trees

7.25 Following the removal of a large sycamore tree on the site, an Area Tree Protection Order was placed on the site. This was to ensure that no further trees could be removed without further consideration. As discussed above, the proposal includes the loss of several trees on the site. However, it does propose a large number of trees also including the majority of those on the western boundary which offer a high amenity value to the wider community. Following concerns raised by the Council's Tree Officer, this scheme has been revised to retain a large tree (T12), with the building moved back to be outside of the Root Protection Area (RPA).

7.26 Policy DM8 of the Local Plan seeks to conserve, protect and enhance existing natural features. It advises that development will be permitted whereby it i) protects natural features of amenity importance, ii) sympathetically incorporates existing features into the overall design of the scheme, taking measures to ensure their continued survival, iii) provides new landscape works that integrate with the local environment and iv) ensures sequences of green spaces are maintained and protects the attractiveness and visual amenity of all green spaces.

7.27 Whilst it is acknowledged that the site does have an Area Preservation Order which covers all the trees on the site, some of these, whilst good specimens, do not contribute any amenity value to the wider area as they are only visible from within the site. It is mainly these trees which are proposed to be removed to allow for the development of 25no. units. It is considered that the benefit of housing provision in this respect, would outweigh the loss of low amenity trees on site and it would therefore be unreasonable to justify a refusal on those grounds. The larger trees on the site, mainly to the west, which hold higher amenity value as they are visible from a wider perspective, are to be retained other than T7 on the boundary with Brook Gardens as this was found to be decaying, are to be retained. Replacement planting for T7 is proposed and the Council's Tree Officer has advised that this should be in the form of 'Fagus sylvatica Dawyck' -Fastigate Beech, which is a deciduous tree with a columnar form. It is proposed that planting takes place prior to any commencement of development on site so that it has an opportunity to become established and form a screen for the properties in Brook Gardens.

7.30 It is proposed that the hedgerow along the eastern boundary is retained and maintained at 2.5m in width. Concern has been raised that the hedge is in poor condition on the

Beach Road side. A remediation strategy for the hedge could be provided as a part of a more detailed landscaping scheme which would be secured via a planning condition. Additional tree planting is also proposed for other parts of the site to enhance the development. It is considered that on balance, whilst there would be some loss of trees from the site, the relation of high amenity trees and additional plantings considered to accord with Policy DM8 of the Local Plan.

(v) Highways and parking considerations

Highways:

- 7.31 The proposal would be accessed from Western Avenue, which is accessed from Havant Road (A259). This is a private road approximately 5.5m wide, (narrowing to 4m lower down the road) which currently serves 6no. dwellings. The development proposes that an extension of Western Avenue would form the entrance into the site, with the proposals including the resurfacing of Western Avenue. The development also proposes a service vehicle turning head which would allow vehicles to enter, turn and exit the site in a forward gear without impacting on Havant Road. Being a private road, there are no road markings at either the entrance, or along the road itself. The entrance to Western Avenue from Havant Road is 7m in width which would allow for a two-way movement of vehicles at this juncture.
- 7.32 In terms of its sustainability, the site is situated within 12mins walking distance to Emsworth Town Centre which has a range of local services. Local bus services are within the immediate vicinity of the site operate every 20 minutes and connect to local facilities within Havant, Emsworth and Chichester. There is an active cycling network on Havant Road with on road cycle lanes which have breaks across accesses. The site does propose on site parking and this is discussed in more detail below.
- 7.33 Several concerns have been raised with regards to the increase in the number of vehicles which would result from proposed development. Concerns are that the road is not up to standard to serve such an increase in vehicles and would not be safe given it has no passing places, or white lines to demark the junction. There is concern that traffic will queue on the road causing noise and disturbance and that increased traffic will also back onto Havant Road with more vehicles trying to turn into Western Avenue. There is also concern over the surface of the road and the potential damage caused by the increase in use.
- 7.34 A Transport Statement was submitted with the application which looked at existing conditions compared to the development proposals and then trip generation and highway impact. This considers that the increase of 73 additional trips anticipated over a 12 hour period would have a minimal impact on the existing junction of Western Avenue and Havant Road, or have a significant impact on the operation or safety of Western Avenue.
- 7.35 Following concerns raised by residents, a further document in the form of Junction Technical Note was submitted which provided further analysis of Havant Road and its junction with Western Avenue in relation to the planning application. This concludes that the visibility splays demonstrate that visibility can be achieved, within the highway boundary and that the junction currently operates well within capacity with maximum delays of c14 seconds and that the addition of development traffic does not impact the operation of the junction.
- 7.36 Both the Transport Statement and the Junction Technical Notes have been subject to consultation with the Council's Development Engineer who has advised that the increase in vehicular movements are not sufficient to refuse the application for a justifiable highway reason given the guidance in the National Planning and Policy Framework, which states refusal is only justifiable where the cumulative impacts of development are

severe. They are satisfied with the findings of the Junction Technical Note and advise that the junction design meets the requirements of the highway authority in demonstrating that it will have no substantive impact. It is therefore considered that the proposal accords with Policies CS20 of the Local Plan.

Parking:

- 7.37 The amended design proposes 24no. parking spaces for 25no. units which equates to 0.96 spaces per unit. This does not meet the Council's adopted parking standards which would require 1no space for a 1no bed unit and 2 spaces for a 2no bed unit which would equate to 46 spaces in total. So there is a short fall of 22no. spaces. Concern has been raised that this level of parking is too low for the development given that is likely that most occupants would own a car and that parking would occur along Western Avenue and the surrounding highway networks as a result. This could cause amenity issues for nearby residents who advise that this type of parking already occurs from visitors to the Springfield Care Home.
- 7.38 Similar developments including 117 Elm Grove (APP/16/00568) and 38-44 London Road (APP/15/00896) have been granted planning permission with lower onsite parking levels, whereby the consideration of over 60's having lower car ownership has been accepted. It is acknowledged that both of these sites are in Local centre location and therefore in closer walking distance to local shops and facilities. The application site is approximately a 12 minutes walk from Emsworth Town Centre however, this is why a higher level parking provision is being proposed than the other, more sustainable sites. Furthermore, the development includes a buggy and bike store so residents could easily use other means of transport to the access local centre. The Council's Traffic Team have advised that a sum of £3000 will be required from the developer to secure a Traffic Regulation Order on either Western Avenue (with the agreement of the road's owners) to restrict parking, or on the surrounding highway network.

(vi) Drainage and flood risk

- 7.39 The site falls within a Flood Zone 1 an area with a low risk of flooding from rivers or tidal waters. With regards to the existing drainage arrangements, existing foul and some roof drainage from the property was found to drain to the public foul sewer on Western Avenue via a 100mm connection. Most of the surface water runoff from the site was found to drain to an existing soakaway within the garden. There is a 225mm diameter foul sewer parallel to the western boundary of the site which has an alarm fitted due to previous flooding issues. There are two surface water sewers present along Havant Road.
- 7.40 The surface water drainage for the proposed development includes an attenuation tank, with a pumped discharge to the public surface water network within Havant Road at Manhole 9951. It is proposed that the foul water discharge generated by the new development would utilise the existing private 100mm diameter connection to the Southern Water manhole 0801. The application acknowledges that there would be a marginal increase in the design discharge as a result of the number of units however, this would be mitigated by the significant reduction in surface water flows which currently drain into the foul water system. Southern Water has confirmed there is sufficient capacity for the predicted flow rate. Subject to the Flood Risk Assessment, drainage information and the detailed drainage plan submitted on 12th December 2017, both Southern Water and the Local Lead Flood Authority raise no objection to the proposed development, subject to a drainage maintenance plan being provided at condition stage.
- 7.41 Several concerns have been raised by local residents with regards to the existing drainage issues on and close to the site, in particular the foul sewer which runs along the western boundary with Brook Gardens. This foul sewer has overflowed several times of

the past few years and has now been fitted with anti flood device whereby a tanker arrives to pump out the sewer if it gets too full. It is considered that the existing surface water on the application has contributed to the issues with the foul sewer pipe.

- 7.42 Initially Southern Water objected to the application and the Hampshire County Council Local Lead Flood Authority (FFLA) requested that further information should be submitted. Southern Water then agreed that the proposed flow rates from the development were considered to be acceptable. Further information was submitted in the form of the Flood Risk Assessment and Drainage Statement and further responses were received from these consultees to advise that they now have no objection to the scheme.

(vii) Ecology

- 7.43 With regard to the impact of the development on the Solent Special Protection Area, this development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice with regard to all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June 2014 requires a payment of £181 per dwelling to the Solent Recreation Mitigation Partnership (SRMP) – this is to secure accordance with Policy DM24 of the Allocations Plan 2014. The required financial contribution has been offered and this can be secured through a S106 agreement.

- 7.44 Concern has been raised that the development and loss of trees on the site would result in the loss of wildlife habitats including those of a protected bat species. An Extended Phase 1 Habitat Survey and Phase 2 bat Survey was submitted with the application. The County Ecologist was consulted and has advised that the report concludes that whilst bats may have been sighted in the area, no bats are considered to be roosting within the site. The County Ecologist has recommended a condition for ecological mitigation and enhancement measures.

(viii) Developer Contributions and Legal Agreement

- 7.45 The application would be liable for the Community Infrastructure Levy for the amount of £317,495.03

- 7.46 Additionally a S106 will be required in respect of the following matters:

- (i) A contribution in respect to the Solent Disturbance Mitigation project at a cost of £181 per dwelling
- (ii) A contribution of £284,744 towards affordable housing in lieu of on site provision.
- (iii) A contribution of £3000 towards a Traffic Regulation Order (TR46)

## **8 Conclusion**

Whilst it is acknowledged that the development of 25no. units would result in more intensive use of the site including a larger building, some tree loss, an increase in vehicular trips, and a general rise in activity on the site, it is considered that the proposed development would make a valuable contribution to the Borough's housing requirements by providing retirement accommodation. The proposal would be notably larger than the surrounding residential development however, the application site is significantly larger than any other site and therefore the building size in relation to the plot size, is relative and acceptable. The building has been designed so as to avoid any adverse overlooking and replacement planting is proposed to replace the loss of a key boundary tree. The site is generous enough size to incorporate large landscape buffers to reduce the impact of the increased vehicular activity. It is therefore concluded that subject to a Section 106 agreement securing the payment of the SRMP, affordable housing and a TRO

contribution that on balance, the proposal is considered acceptable and is therefore recommended for approval.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00921 subject to:

A - the completion of a S106 agreement

AND

B - 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:

Flood Risk Assessment and Drainage Strategy received on 30/8/17 and 12/12/17 (Part 3 of 3)

Arboricultural Impact Assessment and Method Statement Junction Technical Note received on 30/8/17

Archaeological desk based assessment

Design and Access Statement

Extended Phase 1 Habitat Survey

Planning Statement

Preliminary Geotechnical Investigations

Refuse and Waste Management Plan

Transport Statement

Materials Schedule

Tree Constraints Plan

Proposed Site Plan - DN: 0001 Rev P 14

Proposed Location Plan - 0002 Rev P 05

Proposed Roof Plan - 0301 Rev P 08

Proposed Ground floor plan - 0101 REV P14

Proposed First floor plan - 0102 Rev P 11

Proposed Second floor plan - 0103 Rev P 11

Proposed Landscape Strategy plan - 02 REV L

Proposed Planting plan west - 03 REV C

Proposed Planting plan east - 04 Rev D

Proposed elevations - 0401 Rev P 09

Proposed site sections and elevations - 0403 REV P02

Surface Water Network Calculations plan - 05 REV B

Proposed drainage layout plan - 64007-03-G

Tree Protection Plan - 9243-02 REV C

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

3 Prior to any development taking place plans and particulars specifying the following matters shall be 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 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.

4 Prior to any development taking place details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**Reason:** In the interests of the character and 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.

5 Prior to any above ground development taking place, any proposal relating to the installation of potential noise generating plant / equipment such as air source heat pumps, mechanical ventilation systems, air conditioning units and the like, shall be agreed and approved in writing by the Local Planning Authority.

**Reason:** In the interests of protecting the occupants of nearby residential properties from noise and vibration nuisance and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014.

*note - BS4142 Requirement Noise resulting from the use of any/all plant, machinery or equipment shall not exceed the principle of No Observable Effect Level (NOEL), when measured according to British Standard BS4142-2014.*

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 buildings 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 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

7 Prior to any development taking place all trees that are to be retained within or adjacent to the site shall be enclosed with temporary protective fencing in accordance with BS:5837:2012 '*Trees in relation to design, demolition and*

*construction'* recommendations and the submitted Tree Protection Plan. 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 CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The development shall not be brought into use until space for the parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes and shall remain at all times as unallocated parking spaces.

**Reason:** In the interests of highway safety and local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 With the exception of any site manager/warden's accommodation, at no time shall the sheltered apartments development hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.

**Reason:** In order that the occupancy of the development is compatible with the limited amount of on-site car parking provision, and having due regard to Policies CS20 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Development shall proceed in accordance with the ecological mitigation and enhancement measures detailed within the Extended Phase 1 Habitat Survey and Phase 2 Bat Surveys Report (Abbas Ecology, June 2017) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation and enhancement features shall be permanently retained and maintained.

**Reason:** to protect biodiversity in accordance with the Conservation regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS11 of the Havant Borough Core Strategy March 2011

- 11 In the event that suspected contamination (soil, groundwater or buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate reports/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,

2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;

3) Where potentially unacceptable risks are identified by 2), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All assessments, works, monitoring & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A. A statement confirming that no suspected contamination was identified during development,

OR;

B. Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

**Reason:** Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, there is a potential for contamination to exist at the site within made ground which could pose a risk to occupants”

- 12 The balcony on Unit No. 22 shall not be brought into use until details of screening to the balcony have been provided to and agreed in writing by the Local Planning Authority.

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

- 13 No development hereby permitted, including demolition, shall commence until a detailed maintenance plan for the surface water drainage element, detailing who will be responsible for the long term maintenance of the elements, what this maintenance requires and evidence that the adopting body is aware of and agree to their responsibilities, has been submitted to and agreed in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

**Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Reason:

- 14 Notwithstanding any details shown on the submitted plans, no 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, DM8 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

**Reason:** In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

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

- 17 The development shall not be brought into use until details of cycle parking provision have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the units hereby approved and retained in situ thereafter.

**Reason:** In the interests of enabling sustainable means of transport to future residents and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 18 The development shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement by Ian Keen Ltd (Ref JTK/9243-REVB/WDC and Tree Protection Plan DN: Tree Protection Plan - 9243-02 REV C received on 23/11/17).

**Reason:** to ensure the protection of the remaining on site trees and having due regard for Policy DM8 of the Local Plan (Core Strategy 2011) and the National Planning Policy Framework 2012.

Appendix C – Proposed Ground Floor Plan  
Appendix D – Proposed First Floor Plan  
Appendix E – Proposed Second Floor Plan  
Appendix F – Proposed Elevations  
Appendix G – Proposed Landscaping Plan