
Site Address: Redlands House, 38-40 Long Copse Lane, Emsworth,
PO10 7UR

Proposal: To construct 1 No. 5 bedroom dwelling with garage and associated parking.

Application No: APP/18/00229

Expiry Date: 27/06/2018

Applicant: Mr & Mrs Gilraine

Agent: Mr Bessant

Case Officer: Daphney Haywood

Jimmy Bessant Architecture

Ward: Emsworth

Reason for Committee Consideration: Departure from the adopted Local Plan

HPS Recommendation: **GRANT PERMISSION**

1 Executive Summary

This application is one of 2 applications on the agenda for a two storey dwelling on part of Local Plan Housing Statement (LPHS) urban extension site UE67. The site lies outside the urban area as defined by the current adopted Local Plan and the application has therefore been advertised as a departure. However, the LPHS was adopted in 2016 and is a material planning consideration and supports the principle of development of the site. The application site also lies opposite LPHS urban extension site UE76 (circa 260 dwellings). The impacts on the character of the area, highway safety, neighbouring properties, trees, and ecology together with the adequacy of the site to accommodate the development, cumulative impacts and the need for a co-ordinated approach having regard to urban extension site UE76 have been assessed and are considered to be acceptable and therefore the proposal is recommended for approval.

2 Site Description

- 2.1 Redlands House, which is not listed but nevertheless is of local interest, lies at the junction of Long Copse Lane and Redlands Lane on the south side of Long Copse Lane, and outside the defined urban area on the northern edge of the built-up area. This property, which is a large 7-bedroom dwelling originally built as 2 dwellings, has a substantial south facing garden to the rear, which is bounded by Redlands Lane to the west, The Coach House to the east, and a development site to the south which is currently being developed for 4 detached houses.
- 2.2 The site lies outside the built-up area boundary as defined by the Local Plan – notwithstanding this it lies just to the east of a suburban area which is primarily residential in character; whilst further to the east are found a cluster of dwelling types, styles and ages within a semi-rural setting. Redlands Lane, which forms part of the Ancient Sussex Border Path, is bordered by a number of mature trees.
- 2.3 The application site is located to the west of the existing house, between the garage to the existing dwelling and Redlands Lane. The site supports a number of trees some of which are covered by a Tree Preservation Order. The site, which slopes in a southerly direction, has an area of approx. 1200 sq. m.

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 20th 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.

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