HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/11/69754

DESCRIPTION	Erection of fencing up to 2.3m high to enclose land & change of use to domestic gardens
ADDRESS	3-5 Pudbrooke Gardens Hedge End Southampton SO30 4RA

SITE VISIT DATE	28/9/11
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Change of use from woodland to domestic gardens, involving clearance of land (excluding TPO trees). Erection of 2.3m high fence surrounding new gardens.
TOPOGRAPHY	307 square metres
TREES	Relatively flat
BOUNDARY TREATMENT	The area has a number of TPO trees (TPO 94 covers all tree species).
SITE CHARACTERISTICS	2.3m high close boarded fence around the existing garden.
CHARACTER OF LOCALITY	Footpath surrounded by an area of woodland with houses to the south and commercial premises to the north.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/11/69026	Erection of fencing up to 2.3m high to enclosed land & change of use to domestic garden	Refuse

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Supporting letter from Applicants	Listed below are our main reasons for wishing to acquire the land. We hope this will help the committee make its decision when reviewing our request. 1. To our knowledge the land is scarcely maintained, unlike other areas of the estate. The area is overgrown, and the majority of it is inaccessible to be regarded as public open space. 2. The area is constantly littered with items, ranging from fast food waste to shopping trolleys, which we are constantly clearing and returning to prevent our neighbourhood becoming unsightly. As a result we have had sightings of rats. 3. We have suffered some damage to fencing, removal of supports and broken panels. 4. There are a number of tree preservation orders on the site, and we would be happy to ensure they are properly maintained, as they provide a valuable aesthetic impact to the area, as well as providing homes to the local wild life. 5. On a positive note, all four households have children and as this land is currently unusable we feel it would be of great benefit to them, giving them the space they require in their development.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hedge End Town Council	No objection
Biodiversity	No objection The landscape plan to be implemented as mitigation for the impact of the development on nature conservation has been discussed and agreed pre-application, and I therefore have **no objection** to this application provided that conditions are applied as follows: a) There shall be no lowering of existing ground levels within the development site. Reason: to protect a feature of importance for biodiversity. b) To secure implementation and retention of the landscape works as per the plan submitted with the application. The works within the application site should be retained indefinitely, but the planting on the Council's land outside the red line will not be in the applicant's control in the long term, so the condition should perhaps be limited to implementation only. I would therefore be grateful if you would consult me on the wording of this condition before it is finalised.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Blanket TPO 94

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) 25.NC & 59.BE Supplementary Planning Guidance : Residential Amenity in the Borough of Eastleigh

SPECIAL POLICY AREA

None

PLANNING POLICY GUIDANCE / STATEMENT

PPS 1	-	Delivering Sustainable Development
PPS 9	-	Biodiversity and Geological Conservation

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, street scene and character of the area.

COMMENT ON CONSULTATION RESPONSES

None received		See below	X	

Noted and conditions will be applied

COMMENT ON REPRESENTATIONS RECEIVED

	None received		See below	X	

Noted

PLANNING OBLIGATION/CONSIDERATIONS

Not applicable

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

MATERIAL CONSIDERATIONS

Policy 25.NC

Development which will adversely affect a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated to the satisfaction of the Council that:

(i) the benefits of the development outweigh the adverse impacts;
(ii) the adverse impacts are unavoidable, and
(iii) appropriate measures are taken which would mitigate or compensate for any adverse impact."

Assessment

The strip of woodland is located at the rear of the houses. It offers little in the way of amenity value as it is fairly overgrown and not very well used. The applicant has put a good case forward stating that the area is poorly maintained, littered, encourages anti social behaviour and could be better utilised as private gardens. A member of the Council's Biodiversity Team has met applicants on site and agreed the landscaping scheme which would help to mitigate the developments affect on the local flora and fauna. The landscaping within the application site shall be conditioned, work outside of this area can be included in the sale of the land from the Council to the applicants.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

CONCLUSION

Recommend Permit