
Site Address:	Land rear of 32 Avondale Road, Waterlooville, PO7 7ST		
Proposal:	Erection of three bedroom chalet style dwelling.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00728	Expiry Date:	20/11/2023
Applicant:	Mr Barrett Classic Construction (Southern) Ltd		
Agent:	Mr Dudley Vivid Design Studio Ltd	Case Officer:	Lesley Wells
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located at the end of Avondale Road within the town of Waterlooville. The application site lies to the rear of No. 32 Avondale Road.
- 1.2 The Hermitage Stream runs to the east of the site from north to south and sits within lower levels of ground behind 34 and 36 Avondale Road. In general the site rises from east to west with the higher ground level being towards No. 30 Avondale Road to the west. The applicant has advised the site is vacant land not being part of No.32 and has been derelict for many years.
- 1.3 The surrounding area comprises of residential developments with a range of styles and types of properties. To the south of the site is the St. Michael's Convent/Sacred Heart Church site which has been developed for residential units, following its allocation in Havant's Allocations Plan.
- 1.4 The application site is approximately 0.07 hectares and falls within Flood Zone 1 and would remain so, on current information, in 2115 with climate change.
- 1.5 There are no trees within the site.

2 Planning History

APP/11/00317 - Outline application for erection of detached 2 bed chalet style bungalow., REF,18/05/2011

APP/11/01148 - Reduce large lateral limb overhanging parking area of 1No. Oak tree (T2) by 3m. Reduce laterals to obtain a separation of 2m from garage, 1No.

Sycamore tree (T1) both subject to TPO 1662., PERM,12/09/2011

GEN/22/00931 - Copy Docs - TPO 1662 and 1259 - Plan of property and relevant TPO's, ,27/10/2022

3 Proposal

- 3.1 The proposal is for the erection of a three bedroom chalet style bungalow, to the rear of 32 Avondale Road. Access to the site would be via an existing access from Avondale Road, with 2 parking spaces provided. Turning area for vehicles to the front of the site is existing.
- 3.2 The internal area of the dwelling would be 108 sqm, which slightly exceeds the Government's technical housing standard for a 3 bed property.
- 3.3 Planning permission was refused under reference APP/11/00317 on 18/5/11 for an 'Outline application for erection of detached 2 bed chalet style bungalow' for the following reasons:

"1 The development of the site in the manner proposed, would amount to overdevelopment in that it would give rise to a cramped and congested layout, detrimental to the visual amenities and character of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework and Planning Policy Statement 1.

2 The proposed development would constitute an undesirable over-intensive use of site which would not provide satisfactory living conditions for the occupants and would have an adverse effect on the amenities of occupiers of adjoining properties. The proposal is therefore contrary to policy CS 16 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework and Planning Policy Statement 1.

3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which, in accordance with Planning Policy Guidance 13, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. It is therefore contrary to policies CS21 and DM12 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework and Planning Policy Guidance 13."

- 3.4 The proposal was dismissed at appeal on 6 January 2012, with reasons 1 and 3 above upheld, concluding that *"...the impact of the proposal on the character of the locality and the fact that there is no certainty regarding the provision of a contribution towards transport infrastructure."* As to reason 2 above and the adverse impact on the amenities of occupiers of adjoining properties, this was based on the level of vehicular activity associated with the proposed dwelling *"...that would cause nuisance to the neighbours, particularly Nos. 32, 34 and 36 Avondale Road."* However the Inspector found that this would not introduce a new activity and that *"...no substantive evidence was submitted to demonstrate that the additional traffic movements from a single 2 bed chalet bungalow would be of such significant, when considered in tandem with the activity that already occurs, to cause demonstrative harm to the living conditions of neighbour."* As to condition No. 3 above this is no longer material to development proposals as contributions may no longer be secured via Hampshire County Council Transport Contributions Policy, as such contributions were pooled which can no longer be secured via Section 106 Agreements.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Housing Delivery Position Statement March 2022

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

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)

Emsworth Neighbourhood Plan Post Examination Version 2020

Not applicable

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist - No Objection

Reasons for Recommendation

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The site has recently been cleared of all vegetation with seven tree stumps recorded in the Ecological Appraisal (Reference 0608). The site is not within a Conservation Area and there are no trees subject to a Tree Preservation Order on site and horse chestnut that formed part of the 1662 TPO to the south east of the site was granted consent for removal in 2011 (APP/11/01416).

Although the site has been recently cleared there is a mature woodland just over 0.5km to the north of the site and the surrounding trees still have a strong impact on the verdant character of the area. It is therefore encouraging that the Ecological Appraisal (Reference 0608) highlights the opportunities to landscape the site and plant new hedgerow and trees to improve the biodiversity value of the site.

Based on the information submitted, if the officer was minded to grant permission a landscaping condition should be secured that respects the local context and responds positively to the existing natural features to promote wildlife and biodiversity. This would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommendation:

No objection subject to the following conditions;

a) Landscaping:

A scheme of hard and soft landscaping that would promote wildlife and biodiversity with mostly native species to be planted, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance and to safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

Officer Comment: *If permission is granted a landscape condition would be recommended, to be submitted prior to occupation.*

Building Control - Final Comment

My comments are numbers as per your email

- 1) The Southern Water condition is noted. Compliance with Requirement H4 would need to be demonstrated in the Building Regulation application.
- 2) A domestic sprinkler system would be an acceptable compensatory feature where access for the fire service is an issue. This would need to be fully designed as part of the Building Regulation application.
- 3) The indicated solid waste storage does not comply with the guidance given in Approved Document H. The waste containers located next to the new dwelling would be OK but they also need to be sited so that they are within 25m of the Council's waste collection point. The site plan shows the bin siting is over 50m from the indicated bin collection point. It will be for the developer to demonstrate how compliance with the Requirement will be achieved when they submit a Building Regulation application.

Officer Comment: *consultation with Southern Water has taken place, with the applicant confirming the position of the foul water public sewer. A revised plan has been submitted confirming that the narrowest point of the access road is 3.7m.*

There is a technical solution under Building Regulations, if a fire service vehicle is unable to access the site, by the provision of internal sprinklers. Such a provision would fall within the remit of Building Control, outside of planning control.

As to the position of the refuse collection point this would be a matter to be resolved at the Building Regulations stage. That said, refuse bin storage is provided on site.

Building Control - Comment - 1st Comment

- 1) The proposed dwelling will be within 3m of a foul water public sewer shown on the sewer map. Consultation with Southern Water should be undertaken.
- 2) It should be demonstrated that adequate access for fire service vehicles, to within 45m of all points within the building, is possible, with an access road at least 3.7m wide, capable of supporting 12.5 Tonnes vehicles and with adequate turning provision where the vehicle will need to reverse more than 20m.
- 3) It should be demonstrated that adequate provision is made for solid waste storage. Waste bins should be sited within 30m of the dwelling and within 25m of the Council's collection point.

Community Infrastructure - Comment

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>. Additionally, pending a response from Natural England on the HRA, instructions should be passed by the Case Officer to the CI Team to:

- (a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council
- b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogendevoloper>

Officer Comment: *a signed Unilateral Undertaking together with mitigation payment has been secured.*

Councillor Gwen Robinson - No Comment

Councillor Mike Sceal - No Comment

Councillor Peter Wade - No Comment

Crime Prevention -Minor Apps - No Comment

Developer Services, Southern Water - No Objection

The submitted proposed site plan (230012-03-Rev-A) indicates the location of the public foul sewer crossing the site which is different from that of our records.

Please find the attached extract from Southern Water records showing the approximate position of a public foul sewers within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

As per our records, the proposed development will lie over an existing public foul sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf
Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Officer Comments: *the above comments have been forwarded to the applicant's agent and would be an informative on the decision notice if permission is granted. As to the suggested condition this is recommended, if permission is granted. This condition has been agreed with the applicant's agent together with all the other recommended conditions.*

Ecologist - No Objection

The application is accompanied by an Ecological Appraisal (Peach Ecology, August 2023). It is clear that the site has been cleared of all vegetation and is now essentially of very limited ecological value. Prior to recent clearance, the site is considered to have contained dense scrub with small trees. Given the clearance of vegetation, the site is considered to offer limited suitability for protected and notable species.

Given the current condition of the site, the ecology report provides some recommendations for biodiversity enhancements (although these are really compensation due to the clearance of the site). These measures include the use of a new native species hedgerow, orchard trees, a Stag Beetle log pile, and two integral bat roosting bricks, two nest features for Common Swift, and two 'bee bricks' on the new building. In addition, recommendations for no/minimal lighting, especially where it might impact the trees/woodland off-site to the east.

If you are minded to grant permission, can I suggest that ecological measures are secured by condition.

Development shall proceed in accordance with the ecological impact avoidance measures as detailed in section 5 and Appendix E of the Ecological Appraisal (Peach Ecology, August 2023).

Reason: to provide ecological protection and enhancement in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer Comment: *If permission is granted the above condition is recommended.*

Environmental Agency - No Comment**Hampshire Highways - No Objection**

Due to the scale of the proposal, being 5 dwellings or less, and that there is no new vehicular access on the public highway, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

Officer Comment: *full regard has been given to HCC's standing advice - see Section 7 below.*

Natural England - No Objection

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on your appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 04 October 2023, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Further Advice

Nutrient Budget – Bespoke Occupancy Figure

We note that an alternative occupancy figure has been used in the nutrient budget calculation. Please note that the Natural England Solent Nutrient Budget Calculator uses a default value for the number of residents per dwelling of 2.4, reflecting the national average from Office of National Statistics (ONS) data. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. However please note, unless there is a clear justification for them to differ, such rates would need to be applied consistently in line with other policy requirements/approaches used in relation to the scheme (e.g. for calculating open space requirements). These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A. (Which may be viewed on line.)

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Nitrates Team - No Objection

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

Officer Comment: *the applicant's agent is aware of alternative provision.*

Norse South East, Operations Director - No Comment

Waste Services Manager - No Comment

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: 16

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 13

Representations

The following is a summary of the representations received.

Character and appearance of the area

Over development - similar development previously refused
Development at St Michael's Place since taken place
Unsatisfactory living conditions for occupants
Detrimental to the local neighbourhood and environment.

Amenity

Loss of privacy - due to overlooking
Loss of trees - provided natural privacy
Noise & disturbance from construction vehicles - levelling of site
Noise & disturbance once property occupied
Add to further congestion within the locality
Domestic animals impacted/harmed by the development

Highways & Parking

Exacerbate existing on-street parking problems within area
Add to congestion within the area
Limited access to, and limited parking for the proposed build
Lack of space for delivery/large vehicles to turn on site – may reverse out – highway hazard
Restricted access for emergency vehicles - health & welfare concerns

Use of access road may cause damage to properties - exacerbate existing problem.
Access road unsuitable for large vehicles
No pavement - safety issue for walkers
Can the access road, support a 12.5 ton vehicle?

Ecology & Trees

Loss of biodiversity
Loss of trees
Site generally characterised by trees that form the frontage to the Hermitage Stream

Other Matters

No benefits to the community in the form of social housing

Site formerly part of 32 Avondale Road

Who is responsible for repairs to the access road?

Officer comment: *Many of the issues raised are addressed in Section 7 below.*

The Council's adopted policy only requires affordable housing for development of 10 or more units.

Applicant's agent has confirmed all of the site, including the access road is within his client's ownership.

Damage to third parties' properties or the access road during the construction stage would be a private matter between the parties involved.

Any previous damage to properties or the access road would be a private matter between the parties involved.

Size of construction vehicles to be used, if permission is granted, would be for the developer to determine, with an expectation that regard would be given to the constraints of accessing site.

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites 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. The applicant has entered into a legal agreement to secure the mitigation packages.

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) Access and parking
- (v) Impact on trees
- (vi) Impact on ecology
- (vii) Flood Risk & Drainage
- (viii) CIL

(i) Principle of development

- 7.2 The principle of development of the site for one residential unit of accommodation has previously been found unacceptable by the Local Planning Authority, with reasons for refusal 1 and 3 upheld at appeal - however this decision dates back over a decade to 2011/12. As to reason No. 3 this is no longer material to the current application as contributions may no longer be secured via Hampshire County Council Transport Contributions Policy, as such contributions were pooled which can no longer be secured via Section 106 Agreements. As to reason 2 whilst the Inspector found that *"The distances between the dwelling and the boundaries of the plot would be short and the layout of the development would appear cramped and incongruous in this setting"* he made no finding on the proposal not providing satisfactory living accommodation for future occupiers; nor did he find that the proposal would adversely impact on the residential amenity of immediate surrounding properties. The impact of the proposal on existing and future residents is considered below, together with all other material considerations.
- 7.3 Following the refusal of permission at appeal in 2012 due regard must be had to any other planning considerations that have since arisen that are material to the current proposal. These cover the revised layout (which is a full application as opposed to an outline application); relevant policies in the Allocations Local Plan adopted in 2014; the guidance in Havant's Design Guide SPD, adopted in 2011; Havant's Car Parking SPD adopted in 2016, amended in 2019; plus any changes to the character and appearance of the area following the grant of planning permission for residential development to the rear; and the fact that the Council cannot demonstrate a 5-year land supply, as set out in the Council's 'Five Year Housing Land Supply Update', March 2023, which is 1.81 years. Therefore, all these material planning considerations form part of the assessment for the current proposal.
- 7.4 The National Planning Policy Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan which are most important for determining the application are to be considered out of date. In such cases, the tilted balance is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF as a whole. The applicant's agent has advised that if permission is granted the intention is to commence works on the development next year.
- 7.5 With regard to Policy AL1 in the Allocations Plan, the application site is situated within a sustainable urban area location, close to public transport provision and town centre facilities, where further development is considered acceptable subject to the usual development management criteria. The addition of one new chalet style bungalow in such a location would contribute, albeit very modestly, to the Council's overall housing requirement. The Council in its latest Five-Year Housing Land Supply Update, March 2023, cannot demonstrate a 5-year land supply of housing, which is currently only 1.81 years.

- 7.6 The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the Borough. To support this approach, Policy CS17 of the Havant Borough Local Plan (Core Strategy) (2011) sets out that development will be permitted that makes the most effective use of land in the borough.
- 7.7 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, considering accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form. The supporting text of the policy sets out density thresholds, and in this regard the proposal would represent a low-density development at approximately 15 dwelling per hectare on a site of approximately 0.07 hectares.
- 7.8 The adopted Local Plan policies echoes the advice in the National Planning Policy Framework (NPPF).
- 7.9 Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.
- 7.10 Paragraph 124 of the Framework supports development that makes efficient use of land where it considers the desirability of maintaining an area's prevailing character. Policies CS17 and CS9 together are broadly consistent with this approach.
- 7.11 The Framework goes further and sets out at Paragraph 125 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site.
- 7.12 The principle of making more efficient use of an existing urban sustainable site is therefore supported having regard to the surrounding character and built form, albeit that the acceptability of the scheme put forward will turn on consideration of several detailed planning considerations as set out below.

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

- 7.13 Concerns have been raised by third parties regarding the impact on the character and appearance of the area and the cramped and congested layout of the proposal; these also being factors which featured in the previous appeal in 2012.
- 7.14 The proposal is located at the end of Avondale Road, off a private road, which benefits from an existing vehicular turning area at the southern end. The site itself is enclosed, with a mixture of 1.8m close boarded wooden fencing, a wall and fencing, hedging/trees and heras fencing along the boundaries. Whilst the site may be viewed from the private access road and from adjacent residential units to the north east and south east, it is not generally visible from the main part of Avondale Road or from the development to the south i.e. Old Orchard.

- 7.15 As mentioned above an outline proposal for a dwelling on the site was refused and dismissed at appeal in 2011 on the grounds that it amounted "... *to overdevelopment in that it would give rise to a cramped and congested layout, detrimental to the visual amenities and character of the area*", contrary to policy CS16 of the Havant Borough Core Strategy 2011. As also mentioned above, there have been several changes to the policy position and to the character and appearance of the locality since the earlier refusal of permission, to which due regard must be had. Policy AL1 of the adopted Local Plan Allocations sets out that there is a "... *presumption in favour of sustainable development ...*" which reflects Government advice in the National Planning Policy Framework. The Council also adopted a Design Guide SPD in December 2011, together with a Car Parking SPD adopted in July 2016 (partially updated September 2019), against which the proposal must be assessed. The lack of a 5 year land supply is also applicable to the proposal.

Havant Design Guide SPD

- 7.16 This SPD provides 'Specific Guidance on Residential Development', which in respect of this development are as follows, followed by a narrative on whether the proposal complies with this guidance:

"Where windows of the new development and an existing dwelling occur back-to-back there should be a minimum of 20 metres separation."

There would be a minimum 21m separation distance with the first floor of the rear of 32 Avondale Road to the northwest, with a 1.8m wooden fence along the boundary of this property.

"Where a dwelling faces a blank gable, 10 metres separation distance is required."

There would be a minimum 11m separation distance with the flank wall of 7 Old Orchard to the south with a fencing, vegetation and some trees (outside of the site) along this boundary.

"Garden length should normally allow 10 metres between the dwelling and the boundary."

The proposal would provide a garden length of 11m.

- 7.17 The proposal is considered to comply with Havant's Specific Guidance on Residential Development.
- 7.18 The height of the development would be approximately 6.6m, with a width of approximately 8.8m and an approximate length of 10.3m. The facade of the development would be brickwork, with headers above the windows and doors to add interest, with some cladding within the gables and the dormer. The material for the roof would be plain tiles. If permission is granted, a condition would require full details of the proposed materials for the building. As to the design of the chalet style bungalow, which is 'L' shaped with gables with a pitched roof and dormer in the north elevation this would be in keeping with the development opposite at 34 and 36 Avondale which would help integrate the new development into its local context. The proposal is considered to accord with policy CS16 of the Core Strategy.

Havant Car Parking SPD

- 7.19 This SPD requires 2 car parking spaces for this 3 bed dwelling. Visitor parking for small residential developments such as the proposal, whilst desirable, is not required to be provided. The proposal also provides a turning area, which is existing, to ensure that domestic vehicles may enter and leave the site in a forward gear. Cycle storage would also be provided. The proposal is considered to comply with Havant's Car Parking SPD, which indicates the site is of a size sufficient to accommodate the parking and turning area.
- 7.20 As to the character and appearance of the area, contextually this has materially changed since the 2011 refusal, with the completion of the major development to the rear of the site at St Michael's Convent/Sacred Heart Church. Therefore, whilst it is acknowledged that with the exception of 32 Avondale Road, the rear gardens within the vicinity of the site on this side of Avondale Road are generally long, this is not the case with the gardens for the development to the rear, which are generally 10m in depth.
- 7.21 Contextually, the proposal would be materially different to that refused in 2011. The proposal would comply with Havant's Car Parking and Design SPDs, which would sit comfortably on the site, whilst providing sufficient car parking and turning area without detriment to the character and appearance of the area. In this regard, the proposal is considered to comply with policy CS16 of the Havant Borough Local Plan (Core Strategy).

(iii) Impact upon residential amenity

Impact on existing residents

- 7.22 Concerns have been raised by third parties regarding loss of privacy, overlooking and noise and disturbance associated with the construction and occupation of the bungalow. The properties most likely to be impacted by the proposal would be Nos. 30, 32, 34 and 36 Avondale Road and 7 Old Orchard.
- 7.23 The land, whilst to the rear of No. 32 Avondale Road, is not part of its garden, which it is understood formerly formed part of the development of a larger site.
- 7.24 As to 32 Avondale Road this lies to the north east of the application site. The boundary between the site and this property comprises a 1.8m high close boarded wooden fence, so any windows at ground floor would not give rise to overlooking or loss of privacy. The site itself rises to the west. The intention is that the proposal would be cut in along the western boundary, supported by a retaining wall. Two windows at first floor servicing bedrooms would look to the rear of 32 Avondale Road. As mentioned above there would be a minimum separation distance of 21m to the first floor of 32 Avondale Road, which complies with the guidance in Havant's Design Guide SPD, which acknowledges that "*Some overlooking of gardens from the upper floors of dwellings will be unavoidable in most urban and suburban housing layouts.*" Therefore, it is not considered unusual to have mutual overlooking within a built up area.

- 7.25 With regard to 34 and 36 Avondale Road, the proposal would be angled away from these properties, with any oblique overlooking from the north elevation limited to their frontages, which would be acceptable. As to No. 36 there would be no overlooking of the rear garden from the development as the windows on the east elevation are at ground floor, with an existing 1.8m close boarded wooden fencing along this boundary. Within the proposal's roofscape there would be two roof lights, which would be installed 1.7m above ground level, which would limit any overlooking of No. 36's garden. Therefore, it is considered that the proposal would not adversely impact on the residential amenity of 34 and 36 Avondale Road.
- 7.26 Concerning 30 Avondale Road, due to the cutting in of the proposal and a block and fence wall coupled with a high hedge all along the western boundary which at the time of the site visit was over 2 m in height, the development would not be significantly visible from No. 30. There would also be a minimum separation distance of 17m between the two properties, which would be at an oblique angle to one another. Therefore, it is considered that the proposal would not adversely impact on the residential amenity of 30 Avondale Road.
- 7.27 As to 7 Old Orchard to the south of the site there is fencing, vegetation, and trees (outside of the site) along the boundary. The separation distance as mentioned above would be approximately 11m to the flank wall of 7 Old Orchard. There would be one window at first floor in the proposal which would service a bathroom and if permission is granted, this would be subject to a condition requiring it to be obscurely glazed. Therefore, there would no overlooking of the rear garden of this property.
- 7.28 It is acknowledged that during the construction stage, noise and disturbance would be generated at times, with different types of construction vehicles visiting the site, which is normally the case with most types of development. If noise and disturbance was found to be a significant issue, this would fall within the remit of Environmental Health. That said, once the development is complete, the intensification of the use of the site and the access by the occupation of one additional 3 bed dwelling would be unlikely to materially impact on the residential amenities of these properties, as found by the Inspector when the earlier application was dismissed at appeal. A Construction Management Plan condition could be imposed on any permission to seek to appropriately manage the construction arrangements.

Impact on future occupiers

- 7.29 The size of this 3-bed property would slightly exceed the Government's Technical housing standards – nationally described space standard and would be built to energy efficient standards, as required by Building Regulations.
- 7.30 The main garden, which is to the side of the proposal would be to the northeast, with a depth of 11m. This would exceed the minimum requirement in Havant's Design Guide SPD of 10m. To the east of the site would be the entrance to the proposal, together with a path and two parking spaces, with a 1.8m high wooden boundary fence .
- 7.31 There would be a 2m separation distance to the west boundary and on average a 2m separation distance to the south boundary. There is an existing block work wall, together with a high hedge along the western boundary with the land rising in this direction, with a 1.8m high close boarded fence with vegetation along the southern boundary.

7.32 The proposal would have two parking spaces, an EV Charging point and cycle storage coupled with a turning area to the side which complies with Havant's Car Parking SPD.

7.33 As to a bin storage area this is identified within the site, with a bin storage collection point at the top of the access road, where it links into the adopted highway. As to the bin storage collection point, such a matter would have to be agreed at the Building Control stage.

7.34 The proposal would provide a satisfactory level of accommodation for future occupiers, in accordance with Policy CS16 of the Core Strategy.

(iv) Access and parking

Existing access

7.35 Representations have been received regarding the narrow private access road to the site, lack of turning area within the access road and accessing of construction and other vehicles to the site.

7.36 There is no proposed change to the existing access road onto Avondale Road, which is adopted highway. The adopted highway links into the private access road in front of 32 Avondale Road which turns approximately 90 degrees to the south west, alongside/in front of Nos 32, 34 and 36 Avondale Road, with the application site at the end of the access road.

7.37 The Highway Authority (HA) has been consulted over the application, however, they have referred to their standing advice. This standing advice *"...requires that any development of 2 – 5 dwellings using a shared vehicular access from the highway is able to facilitate vehicles entering and exiting from the development onto the highway in a forward gear."* The following condition is also recommended in this standing advice, if permission is to be granted:

"Prior to occupation the area shown on the approved plan for the parking and turning of vehicles shall be provided and reserved for these purposes at all times.

Reason: To ensure that vehicles parked on the site are able to enter and leave in forward gear."

7.38 The turning provision should also *"...include consideration of small delivery vehicles where it is necessary for this type of vehicle to enter the development."* There is an existing turning area, within the application site which currently provides this provision for 34 and 36 Avondale Road and for other vehicles that enter this access road, which would be the same provision for the proposal. Therefore, it is considered that the existing turning area is appropriate for the proposal.

7.39 As to the width of the access road, this has been confirmed as 3.7m in width at its narrowest point, widening out to 4.8m at the top of the access road, widening further to approximately 6m where it turns to the north west linking into the existing adopted highway road.

- 7.40 As to construction vehicles visiting the site, it is recommended, if permission is granted, that a condition is imposed on the decision notice that a Construction Method Statement is submitted to the Local Planning Authority, prior to development commencing, which requires amongst other matters, the arrangement for deliveries associated with all construction works and the provision of on-site long-term facilities for contractor parking to be submitted for approval.
- 7.41 The existing access and private access road is considered to be appropriate for the development and a condition is recommended, if permission is granted, that would require the approved parking and turning area to be made available, prior to occupation.

Parking

- 7.42 Representations have been received regarding the lack of parking generally in the locality and specifically for the development, which the proposal would exacerbate.
- 7.43 For this 3-bed dwelling, two car parking spaces would be provided, together with cycle storage, in accordance with Havant's Car Parking SPD. There is no requirement in the SPD for minor developments, such as the proposal, to provide visitor car parking. As mentioned above, there is an existing turning area, identified within the proposal, to enable vehicles to enter and leave the site in a forward gear. In parking and cycle terms the proposal accords with Havant's Car Parking SPD and policy DM13 of Havant's Core Strategy.

(v) Impact on trees

- 7.44 There are no trees within the site which would be impacted by the development. The Council's Arboricultural Officer has been consulted over the proposal and raises no objection but recommends that a landscape condition be imposed to promote wildlife and biodiversity. If permission is granted, such a condition is recommended.

(vi) Impact on ecology

- 7.45 The site is within 50m of a priority habitat - Lowland Mixed Deciduous Woodland to the east, south east. Due to the separation distance from this site, the proposal is unlikely to impact on this woodland.
- 7.46 The application is accompanied by an Ecological Appraisal, which has been reviewed by the Council's Ecologist (CE). Following the clearance of the site the CE is of the opinion that *"... the site is considered to offer limited suitability for protected and notable species"*. However, the Ecological Appraisal provides some recommendations for biodiversity enhancements to compensation for the clearance of the site. This includes two integral bat roosting bricks and two nest features for Common Swifts and no/minimal lighting. The CE raises no objection to the proposal, but recommends that the ecological measures detailed in section 5 and Appendix E of the Ecological Appraisal, are secured by way of a condition. If permission is granted, such a condition would be included in the decision notice.

(vii) Flood Risk & Drainage

Flood Risk

- 7.47 The site falls wholly within Flood Zone 1, and based on current information, would remain so with climate change in 2115. Overall, the development is at a low flood risk (less than 0.1% AEP) and so is suitable for the residential development proposed.

Drainage

- 7.48 The applicant has confirmed the position of the public main foul sewer that runs roughly north to south along the access road and through the site where the proposed two car parking spaces would be provided. Southern Water has been consulted over the application, raising no objection, subject to a condition as to measures to be taken to protect the public foul sewer. If permission is granted, such a condition is recommended.
- 7.49 The foul sewerage for the proposal would link into the public sewer. Surface water would drain into soakaways. The provision of foul and surface water drainage for the proposal would fall within the remit of Building Control.

(viii) CIL

- 7.50 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable, and the appropriate forms have been submitted. The gross increase in new internal floor space for the dwelling has been calculated by the agent as 108 sqm, which would currently generate a CIL liability of £12,805.71.

8 Overall Conclusion

- 8.1 Notwithstanding that the development is located within the urban area, the principle of residential development on the site was previously found to be unacceptable in 2011/12, albeit 2 out of 3 of the previously reasons for refusal are no longer applicable. The only potential reason now applicable from the previous refusal is overdevelopment, and whether the development gives rise to a cramped and congested layout, detrimental to the visual amenities and character of the area. When assessed against the Havant Design Guide SPD the proposal does not amount to an overdevelopment of the site but would be comfortably accommodated within the site. As to the character and appearance of the area this has materially changed since the completion of the St. Michael's Convent/Sacred Heart Church development to the south, with the surrounding area no longer overly dominated by large rear gardens or an area of green open space, with the site of a similar size to the plot sizes granted to the south. Due to the contextual changes to the character and appearance of the locality, a reason for refusal on this ground is not warranted.
- 8.2 The proposal would add, albeit at a very modest level, an additional dwelling to the Council's housing stock, to which moderate weight has been given.
- 8.3 An assessment of the impacts on existing residents' amenity from the development has been carried out and found to be acceptable.
- 8.4 An assessment of the impacts on future residents' amenity, has been carried out, with the resulting impacts on amenity considered acceptable.

- 8.5 The vehicular access to the site is deemed to be acceptable as is the internal private access road to the site.
- 8.6 The level of parking and cycle provision has been considered and the development is in accordance with the Council's adopted parking standards in a sustainable location close to public transport provision and town centre facilities.
- 8.7 Drainage and ecological matters have been addressed or would be controlled by the imposition of appropriate conditions or dealt with under other legislation.
- 8.8 To conclude, the development is considered to accord with the development plan when considered as a whole and the National Planning Policy Framework and conditional planning permission is recommended.
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9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00728 subject to the following conditions:

1 GENERAL

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:

Plans

Site Location Plan - Drawing No. 01
Block Plan - Drawing No. 02
Proposed Site Plan - Drawing No. 03C
Proposed First Plans & Elevations (New Plot) - Drawing No. 04
Proposed Street Scenes, including existing and proposed level for site - Drawing No. 05 Rev A
Car Parking Plan - Drawing No. 06

Documents

Design & Access Statement by Vivid Design Studio
Ecological Appraisal by Peach Ecology, dated 18 August 2023
European Site Avoidance & Mitigation Checklist
Occupancy Calculator
Solent Nutrient Budget Calculator

Reason: To ensure provision of a satisfactory development.

- 3 The car parking, EV Car Charging Point, turning area 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.

- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions, roof alterations or outbuildings, shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason In the interests of the amenities of the neighbouring properties and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Development shall proceed in accordance with the ecological impact avoidance measures as detailed in section 5 and Appendix E of the Ecological Appraisal (Peach Ecology, August 2023).

Reason: to provide ecological protection and enhancement in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

6 **PRECOMMENCEMENT**

No development shall start on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- (a) The provision of long term on site facilities for contractor parking;
- (b) The arrangements for deliveries associated with all construction works;
- (c) Methods and phasing of construction works;
- (d) Access and egress for plant and machinery;
- (e) Location of temporary site buildings, compounds, construction material and plant storage areas;

Construction work shall only take place in accordance with the approved method statement.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 7 Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer to the rear of the site during the course of demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the approved measures and retained thereafter during the construction work for the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the public sewer 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.

8 **ABOVE GROUND**

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 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.

9 **PRIOR TO OCCUPATION**

A scheme of hard and soft landscaping that would promote wildlife and biodiversity with mostly native species to be planted, to include size, species, planting heights, densities and positions of the soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: In the interests of biodiversity and to ensure a satisfactory appearance in accordance with policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

- 10 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the windows in the first floor on the south elevation shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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

- 11 Prior to occupation of the development hereby approved details of the retaining wall, together with the other boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the occupation of the development hereby approved and thereafter retained and maintained.

Reason: In the interests of amenity and to ensure a satisfactory form of development in accordance with policy CS16 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

12

The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

13 **POST OCCUPATION**

At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent.

Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.