
Site Address: 147 Cherry Tree Avenue, Waterloooville, PO8 8AX
Proposal: Conversion of dwelling into two separate dwellings with associated external and internal alterations
Application Type: Full Planning Permission
Application No: APP/22/01174 Expiry Date: 09/03/2023
Applicant: Mr Wiley
Agent: Mr Tomes Case Officer: Selina Donophy
 Tomes Architects
Ward: Cowplain

Recommendation: **GRANT PERMISSION**

1 Site Description

This application site comprises a two storey end of terrace dwellinghouse located on the west side of Cherry Tree Avenue, Waterloooville. This property is located on the far western end of the terrace. It has a pitched roof with a two storey extension located to the side which also has a pitched roof - it is this two storey side extension which forms the basis of this application. The front entrance of the property is reached by the pedestrian walkway located to the south of the dwelling - the vehicular access is located to the north of the site. The garden spaces are located to the south and west of the dwelling in Radburn design.

2 Planning History

02/67377/000 - Two storey side (west) extension, a double garage and single storey extension to rear., PERM,14/08/2002
APP/11/01235 - Single storey rear garage., PERM,20/10/2011

3 Proposal

Conversion of dwelling into two separate dwellings with associated external and internal alterations

4 Policy Considerations

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

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS21 (Developer Requirements)
CS9 (Housing)
DM13 (Car and Cycle Parking on Residential Development)

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)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure, Planning Policy & Urban Design

Not CIL liable as the proposal is for the sub-division of the existing dwelling.

However, as an additional dwelling is being created, 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/nitrogen-developers>

Councillor D Keast - Cowplain

No comment received

Councillor Narinder Bains - Cowplain

No comment received

Councillor Neil Bowdell - Cowplain

No comment received

Crime Prevention -Minor Apps

No comment received

Developer Services, Southern Water

Thank you for your letter dated 03/01/2023.

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.

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

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration

- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing,

West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Hampshire Highways

I refer to the consultation on the above planning application relating to a proposal to divide an existing 2 bedroom property to provide 2 x1 bedroom separate dwellings with vehicular access taken from a private parking driveway connected to/from Cherry Tree Avenue.

The Highway Authority would advise that HCC's Highway Standing Advice should be referred to in the first instance. This can be viewed via the following link under the heading Consultation with the Highway Authority -

<https://www.hants.gov.uk/transport/developers/consultation>

However, with regard to the application, the Highway Authority would confirm that the proposal would be unlikely to result in a significant increase in vehicle movements and would therefore not result in a detrimental impact on the operation and safety of the local highway network.

Natural England Government Team

Thank you for your consultation on the above dated 21 February 2023 which was received by Natural England on the same date.

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 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 16th February 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. Provided that your authority is assured and satisfied that the budget calculations are suitably precautionary and accurately reflect the proposal, then Natural England raise no concerns with regard to the nutrient budget.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on Habitats Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the Habitats Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

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.

Nutrient Team, Planning Policy

Thank you for consulting the nutrients team.

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

The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,000 per kilogram of nitrogen (as at 18/11/22). In addition, 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/>

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Property Services Manager

No comment received

Waste Services Manager

No comment received

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: 6

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments received	

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Contributions
- (vi) Other Matters

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The Council's Five-Year Housing Land Supply, Updated at November 2021, indicates the Borough's housing land supply position as 3.9 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits. It is accepted that the proposal for one additional dwelling, within the main urban area of Havant, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

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

7.3 This proposal seeks to convert the dwelling into two separate dwellings, 147 being the larger dwelling and 147A being the smaller dwelling. This property has been extended over the years with the two storey side extension agreed permission in 2002 and garages to the rear agreed permission in 2011. The two storey side extension would be converted into a one bedroom dwelling and the main property would have two bedrooms and one box room. The garages split between both dwellings. It is noted that this is a retrospective proposal as, at the time of the site visit the dwelling

had already been 'temporarily' split and has been confirmed to have been in this use for the past two years in use by an immediate family member - this layout is reflected in the existing proposals.

- 7.4 The two storey extension to the side has a pitched roof and is smaller in width than the host dwelling and the surrounding properties which are all of the same design. The extension would not be substantially changing as part of this proposal and therefore there would be no material changes to the character of the area as a result of this application. The only changes would be to the north (rear) elevation where the garage door would be split into two separate garages to allow for internal parking spaces at each property, alongside the addition of a doorway to serve the new one bedroom dwelling. A new front door and window would also be added to the front (south) elevation. The internal layout for no 147 would comprise of the entrance door to the south elevation leading into a lounge with the stairwell leading up the two bedrooms, bathroom and box room on the first floor, to the rear at ground floor level would be a kitchen with a door leading to the rear garage. At no 147A would be a front door to the south - access to this would be required across the land of no 147. This door would lead into an open plan kitchen/ dining area with a bathroom to the side leading into the garden room and storage area. To the rear would be a hallway with a door leading into the rear garage and the rear doorway. At first floor level would be a bathroom towards the front and a bedroom towards the rear. The floor area for no 147A comes to 58 m² which meets the minimum requirements as specified in the technical space standards
- 7.5 There would not be a regular demarcation between the plots with the garage and front garden areas not split straight down the middle. The original rear garden of the property has been entirely built over with the garages and therefore the applicant has made use of the front garden area as the private amenity spaces and has made these private with 1.8 metre high fencing surrounding the two garden areas. The garden area serving no 147 would have a width of approximately 6.9 metres and a length of 10 metres with a walkway retained down the side to access the front door of no 147. No 147 A would have a larger garden area as there is space retained down the side which once would have formed the main garden serving no 147. This garden area would have a length of approximately 15 metres and a width of 7.5 metres which would reduce in width closer towards the building line as there are existing extensions which would now serve no 147A which comprise of a garden room and store area. These garden measurements would meet the minimum requirements as specified in the Havant Borough Design Guide. It is also noted that other properties in the area have similarly used the front garden spaces as their private amenity areas, notably properties on the western end of the terraces which have constructed dwellings on the area of side garden to the west of the original end of terrace dwelling- this has occurred at nos 121 and 123a Cherry Tree Avenue. For this reason and within this specific context, the outdoor amenity space provided for both nos 147 and 147a is deemed to be, on balance, acceptable.

(iii) Impact upon residential amenity

- 7.6 There would be no additional windows introduced at first floor level - it is under the 2002 application (reference 02/67377/000) the extension comprised of a bathroom towards the front so this would be unchanged. For this reason the impact on no 145 located to the south is considered to be unchanged from existing. There was a dressing room originally agreed towards the rear however no conditions were applied to this window. In addition there would be over 20 metres separation distance between no 147A and no 82 which is located to the rear (north) of the application site.

(iv) Highways and parking

- 7.7 This proposal would result in one two bedroom property (with a very small box room) and one; one bedroom property . A two bedroom property requires two on site parking spaces and a one bedroom property requires one on site parking space. This proposal comprises two allocated on site parking spaces, both in the rear garage which would be split between no 147 and no 147A. These meet the 6x3 metre parking specifications as stipulated in the Havant Borough Design Guide. Whilst there would be one parking space allocated to each dwelling, this would result in a shortfall of one parking space for no 147 . The applicant has confirmed they would therefore rely on on street parking for this additional parking space . For this reason a parking survey has been requested and the applicant has submitted this, spanning over a two week period and with the surveys taken at different times each day. The survey shows that there is some stress on parking, notably along Cherry Tree Avenue and most likely at weekends however there were still available spaces for on street parking within these time frames . It is therefore considered that in this instance the shortfall of on site parking would be acceptable.

(v) Contributions

- 7.8 The proposal would result in the net gain of one, one bedroom dwelling which needs to comply with the Habitats Regulations. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of 1 additional 1 bedroom dwelling.
- 7.9 Using Natural England's updated Methodology in March 2022, the planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.10 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £409.50 to address the potential recreational harm from the new development. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, May 2022, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £870 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.
- 7.11 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 and raise no further objection. The Council's assessment as competent Authority under those regulations is included in the case file.

7.12 This proposal is not CIL liable.

(vi) Other Matters

7.13 In relation to fire risk the proposed development would need to meet Building Regulations requirements.

8 Conclusion

8.1 Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged which gives a presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits. There has been no identified harm arising from this development and therefore the tilted balance benefit of 1 additional residential unit towards the Borough's housing need prevails.

8.2 The proposal meets the Habitats Regulations with recreational and water quality impacts adequately mitigated against. Overall the proposal is therefore considered acceptable and recommended for conditional permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01174 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:

C3509-5B PROPOSED FLOOR
C3509-6A PROPOSED ELEVATIONS
28 Feb 2023 PARKING STRATEGY STATEMENT
C3509-1 LOCATION PLAN
C3509-2A BLOCK PLAN
20 Mar 2023 WATER EFFICIENCY CALCULATION

Reason: - To ensure provision of a satisfactory development.

3 Prior to first occupation of the dwelling hereby approved, the car parking spaces for each dwelling, as shown on the approved plans, shall be kept clear and available for the parking of vehicles 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 Prior to first occupation of the dwelling hereby approved, cycle parking spaces and associated facilities for cyclists shown on the approved drawings for both dwellings shall be provided and thereafter be retained for the parking of the bicycle at all times unless otherwise agreed in writing by the LPA.
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.
- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, roof addition, or outbuilding permitted by Schedule 2, Part 1 Classes A, B or E of the 2015 Order, as amended, shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
Reason: To retain adequate outdoor amenity space for future occupiers, prevent over-development and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 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.
To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011