

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

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No details have been provided on the submitted plans to show:-

1) How adequate fire service access will be provided to the new dwelling - a statement that it is no worse than for the existing house would not be sufficient to show compliance with the Building Regulations. Compliance with the guidance given in Approved Document B should be demonstrated.

2) How adequate solid waste storage will be provided, as per the guidance in Approved Document H

The submitted plans also show that the proposed extension will be within 3m of an adopted sewer owned by Southern Water. This is not a sewer shown on the GIS sewer map but the applicant should consult directly with Southern Water.

Community Infrastructure

Not CIL liable as the proposal is for the sub-division of the existing dwelling and the proposed extension is less than 100 sqm.

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 <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

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 -Major Apps

No comment received

Developer Services, Southern Water

Southern Water requires a formal application for any new connection to the public 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:

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

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

Environmental Health

No comment received

Hampshire Fire & Rescue

Description of Works:

HIWFRS understands that the project involves subdivision of existing dwelling into 2 No. dwellings with new access incorporating a two-storey side extension and alterations to roof.

I confirm that Hampshire & IOW Fire and Rescue Service (HIWFRS) has received your application, dated 26 August 2022. The inspector named above has considered the information provided and has made the following comments:

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

The proposal states that access to the property can be achieved via the rear access road.

Satellite imagery appears to indicate that the access road is less than 2.8m wide.

ADB V1, table 13.1, indicates that the minimum road width should be 3.7m between kerbs or 3.1m for gateways, the available width does not meet either criterion.

Therefore, the access road does not appear to meet the minimum specified in ADB. Consequently, access to within 45m of all points inside the property does not appear to be available. This factor may delay fire-fighting operations.

My officer must inform you that poor access and/or fire-fighting facilities could cause a delay in the commencement of fire-fighting operations and, consequently, the potentially-elevated risk to occupants and to property.

My officer must advise you to contact your insurance company and inform them of Hampshire & IOW FRS findings concerning the inadequate access for emergency vehicles and/or poor fire-fighting facilities.

Hampshire Act 1983 Section 12 – Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire Protection HIWFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises.

HIWFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Testing of Fire Safety Systems HIWFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.

If have any queries concerning these matters may be directed to the inspector named above, but all correspondence should be addressed to the Chief Officer.

Please quote our reference number on all correspondence

Hampshire Highways

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

Due to the scale of the proposal and that there is no change to the vehicular access, 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

Natural England Government Team

Thank you for your consultation on the above dated 17 November 2022 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 15 November 2022, 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 there are two calculations where an alternative occupancy figure has been used in the nutrient budget calculation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

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

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 is however advised 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/>

Portsmouth Water Company

Thank you for consulting Portsmouth Water on this application.

Our team have no concerns from a groundwater quality perspective.

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: 18

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
[Redacted text] and have some concerns about the above plans. These are as below: 1. The plans show a 1 metre picket fence along the boundary between our houses; there is currently a 6' high fence along this boundary and the new, lower, more open fence would mean loss of privacy for both gardens as they would be open to each other as well as the loss of privacy in our lounge. 2. The plans show that the above fence will go across the frontage of our garden and this would limit access to our entrance as the fence goes across the middle of the existing access, which could cause problems for anyone entering that was carrying anything e.g. delivery men, [redacted text] Both parts of the plan require clarification/correction.	Please see 'Planning Considerations' section of the report.

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 comprises the subdivision of no 121 to create no 121 and no 121a as two separate dwellings following the further extension of No. 121. No. 121 has already benefited from a two storey side extension which would be further widened as part of this application to create a separate dwelling, No. 121a. No 121a would have total dimensions of approximately 5.3 metres width and 7 metres depth with the front elevation wall set back behind No 121 by approximately 1 metre. The new dwelling would have an appearance similar to the surrounding properties with a pitched roof with a ridge height matching No. 121. Proposed materials would match No. 121.
- 7.4 The layout would comprise of a front entrance door leading into a hallway with wc to the rear. To the side and rear would be an open plan kitchen/ living area served by windows to the front and rear elevations and bi-fold doors to the side elevation. At first floor would be a bathroom and bedroom towards the rear and a larger bedroom towards the front. Each room would be served by one window with the front bedroom served by two front elevation windows.
- 7.5 The existing property, No. 121 currently has a large area of garden to the side - the owners have currently erected a 1.8 metre high fence around this towards the front to make it private. This garden area would now form the new dwelling and the garden serving that new dwelling, No 121a, with 1 metre high picket fencing installed to the north and east boundaries . The garden serving no 121a would be of a reasonable size (4.5 metre width between the side of the house and the side boundary and over 10 metres garden depth) although it would be less private than existing with the fence height lowered .Whilst no 121a would have a larger plot area, No 121 would now have a very small rear yard; noting that this space is currently used for parking and would provide parking allocation for the property as part of this proposal. The Havant Borough Design Guide states that 10 metres garden length should be provided with new dwellings - this proposal would remove garden from No 121 . Whilst this guidance exists, there are also exceptions to this rule in the surrounding local context. In this instance there are examples in the immediate area where development has been approved where the 10 metre garden length has not been retained and therefore there is some precedent in the locale, for example the end of terrace development at no 123a Cherry Tree Avenue which was granted permission in 2017. It is noted the plots do all benefit from an area of grass lawn towards the front which allows for some additional outdoor space. For this reason and within this specific context, the limited outdoor amenity space provided for no 121 is deemed to be, on balance, acceptable.
- 7.6 The property would be located at the end of the terrace so would not be highly visible from Cherry Tree Avenue, it would be fairly prominent from the recreation ground although the outlook remains similar to existing with a side on view of the end of the terrace property, set in from the side boundary by approximately 4 metres. The design and scale would be coherent with both No. 121 and the property styles of those in the surrounding terraces.

(iii) Impact upon residential amenity

- 7.7 To the south of the application site is No 99. One of the rear bedroom windows would serve a bathroom however there would be one new first floor bedroom window. This is not significantly different to the existing situation with the extension bedroom window and existing first floor windows at no 121. There would be approximately 25 metres separation distance and for these reasons the proposal is not considered to result in harmful overlooking back towards no 99.
- 7.8 To the north of the application site is No 123a . There would be approximately 22 metres separation distance between No 121a and No 123a . In terms of overlooking there is currently a bedroom window on the extension at first floor level with views back towards no 123a - whilst there would now be two windows; the impact of the second bedroom window is not considered to offer any additional views than are already existing. The relationship between these properties is that of a standard street with properties fronting one another and the separation distance reflects that. The block plan has been revised to show 1.8 metre high fencing would be retained along the shared boundary. In terms of access, the gate shown is shown to be within the red line in the ownership of No 121.

(iv) Highways and parking .

- 7.9 The proposal includes two parking spaces to the rear of No 121 and one garage space allocated to No 121a. No 121 would have 3 bedrooms and no 121a would have 2 bedrooms. This would result in parking allocation requirement of 2 parking spaces per property as stipulated in the Havant Parking SPD. As described above, the proposed parking layout would only provide one parking space for no 121a . The additional parking space would therefore rely on street parking. The applicant has subsequently been asked to provide a parking survey completed over a time period of 2 weeks and free parking spaces counted at different times in the day. The parking survey showed that Sundays were the day with highest pressure on spaces however there were spaces available for parking on the street throughout the day . It is therefore considered that in this instance the shortfall of on site parking would be acceptable.

(v) Contributions .

- 7.10 The proposal would result in the net gain of one, two 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 2 bedroom dwelling.
- 7.11 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.
- 7.12 With respect to the Solent Recreation Mitigation Strategy the applicant has entered

into a Unilateral Undertaken and paid the appropriate sum of £591.15 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 £954.84 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.

- 7.13 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.

(vi) Other Matters

- 7.15 In relation to fire risk the proposed development would need to meet Building Regulations requirements. The possible impact on sewers has also been highlighted. Informatives in relation to these requirements are recommended.

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/22/00658

(A) 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:

17th JAN 2023	AMENDED BLOCK PLAN WESTON-01A
10 Aug 2022	FLOOR PLANS AND ELEVATIONS WESTON-01A
25 Aug 2022	SITE LOCATION PLAN WESTON-01A

Reason: - To ensure provision of a satisfactory development.

- 3 The car parking spaces for each dwelling hereby permitted, shown on the approved plans, shall be kept clear and available for the parking of vehicles 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 The external materials used shall match, in type, colour and texture, those of No. 121 Cherry Tree Gardens so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 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 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.
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.

- 7 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

- 8 The doorway in the garage allowing access between the garage and No 121A as shown on the approved plans, shall be provided prior to the development being first brought into use and shall be retained thereafter to allow convenient access to the garage.

Reason: In the interests of highway safety, to provide convenient parking and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.