
Site Address:	Land to north of, 61 Hollybank Lane, Emsworth		
Proposal:	Erection of 1No. 4bed dwelling. (Revision to APP/18/00481).		
Application No:	APP/20/00108	Expiry Date:	22/05/2020
Applicant:	Mr Rehill		
Agent:	Mr Jupp	Case Officer:	Lesley Wells
	Stephen Jupp MRTPI		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This site is located within a recently completed housing scheme of 48 units, north of Oak Tree Drive in Emsworth. The site was left vacant when the housing scheme was developed. The site has a frontage to the BOAT (byway open to all traffic) adjacent with an existing dropped kerb and is currently enclosed by 1.8m high timber fencing, with a brick wall at the entrance to the south.
- 1.2 Nos 4-8 Aubin Wood are a row of two storey terrace dwellings immediately north of the plot. To the south of the application and sited further back is a terrace of dwellings. In 2016 a two storey new dwellinghouse was permitted under reference APP/16/00916, to the west of the application site which has been implemented. The remainder of the housing development contains a variation of housing types but generally there is a set character with the use of high quality materials and off road parking.
- 1.3 Planning permission was granted for a 3 bedroom dwelling on this site, under reference APP/18/00481 on 19 October 2018, which following negotiations was reduced from 4 bedrooms.
- 1.4 There are protected trees to the north of the site.

2 Planning History

APP/18/00481 - erection of a 3 bed dwelling - permitted 19/10/18

3 Proposal

Erection of 1No. 4 bed dwelling. (Revision to APP/18/00481), with on site parking provision to the front of the site.

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)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
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)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
DR1	(Delivery of Sustainable Development)
E20	(Drainage infrastructure in new development)
IN1	(Effective provision of infrastructure)
E2	(Health and wellbeing)
E1*	(High quality design)
E3	(Landscape and settlement boundaries)
E12	(Low carbon design)
E15	(Protected species)
E16	(Solent Special Protection Areas)
E14	(The Local Ecological Network)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_M1	(Cycle Storage Provision)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)
ENP_L1	(General Housing Policy)
ENP_D2	(Height, Mass & Materials)
ENP_L2	(Housing Mix)
ENP_D3	(Layout, Form & Density)
ENP_D7	(Mitigate Light Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

I note the preliminary foundation scheme plan which has been submitted. This scheme is achievable providing there is a detailed site specific step by step method statement submitted. At present I am still concerned that it needs to be made clear that no work should commence until the cellular confinement surfacing is in place or at the very least ground protection. **A condition will still need to be added for a finalised method statement and foundation design to be submitted please.**

Building Control

A Public Sewer is shown on the map of sewers which might be within 3m of the new dwelling. Consultation with Southern Water Services will be required.

Location of solid waste storage not shown.

Provided Utility room external door is more than 1m from notional boundary not an unprotected area issue is less than AD B an issue.

Building Regulation consent will be needed for this work

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.
CIL Form 2: Assumption of Liability is incomplete and has been returned for completion. The Additional Information Form states that a self-build exemption is being claimed. For self-build exemption to be granted, a completed Form 7 Part 1 will be required prior to commencement of works.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>. A credit of £668.85 can be given in respect of the SRMS payment (less administration fee) paid under the previous application APP/18/00481.

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Councillor Julie Thain-Smith

No comment.

Councillor Lulu Bowerman

No comment.

Councillor R Kennett

No comment

Countryside Access Team

No comment.

County Ecologist - No Objection

Review of the photographs of the site, provided with this submission, indicate that the site has already been cleared/stripped. This is unfortunate, particularly that review of

the previous planning applications on this site revealed the presence of suitable reptile habitat. Therefore, I can only hope that the clearance activities were carried out without a breach in the relevant wildlife legislation.

In terms of lighting and impacts to bats, the eastern boundary of the site is immediately adjacent to a woodland. Immediately outside the eastern boundary is a line of mature trees and scrub which links directly to Hollybank Wood, one of the most important sites in Hampshire for bats. Any lighting along the eastern boundary be achieved through the use of low-level, motion-activated sensor lighting.

If you were minded to grant permission, I recommend that the below conditions are added to the decision notice:

- Prior to the commencement, a sensitive lighting strategy shall be submitted to and agreed in writing by the Local Planning Authority. Reason: to protect biodiversity in accordance with the Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.
- A single bat roosting feature (e.g. Bat Access Tile, 2FR Schwegler bat tube) shall be incorporated into the design of the new building. Where the bat feature has been implemented, the use of breathable roof membrane is not allowed. Thereafter, the bat feature shall be permanently maintained and retained. Reason: to enhance biodiversity in accordance with NPPF and NERC Act 2006.

Crime Prevention -Minor Apps

No objection.

Developer Services, Southern Water

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer 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.

Please note:

- The 225 mm diameter gravity foul sewers require a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- 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 sewers.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, 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, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:

southernwater.co.uk/infrastructure-charges

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).
Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk

Hampshire Highways - No Objection

HBC will need to determine in their capacity as local parking authority that the level of parking provision proposed falls in line with adopted standards.

The site layout plans illustrates 3 parking spaces, two being marked out and one being more informal in nature. The informal parking space would appear to not meet minimum dimension requirements of 2.4m x 4.8m. This would be considered unacceptable as a parking space.

Amendments/clarification would be required in this regard.

Sufficient turning space is provided on-site to allow vehicles to access, egress and turn within the confines of the site in a safe and efficient manner.

In line with the above, Highways Development Management raises no in-principle objections to this proposal subject to the issues above.

Officer comment. Amended plan received showing 3 spaces of the required size.

Landscape Team

No comment.

Public Spaces

No comment.

Natural England - Final Comment - No Objection

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment 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, providing that all mitigation measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

Solent Recreation Mitigation Strategy

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Deterioration of the water environment

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Thornham WwTWs. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the

development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Natural England - 1st Comment

SUMMARY OF NATURAL ENGLAND'S ADVICE- NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Solent international sites, including:
- Chichester & Langstone Harbours Special Protection Area (SPA)
- Chichester & Langstone Harbours Ramsar site
- Solent and Southampton Water SPA
- Solent and Southampton Water Ramsar
- Portsmouth Harbour SPA
- Portsmouth Harbour Ramsar
- Solent Maritime Special Area of Conservation (SAC)
- Solent and Dorset Coast Special Protection Area (SPA)
- Solent and Isle of Wight Lagoons SAC

<https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Solent recreational disturbance mitigation
- Nutrient neutrality mitigation

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Solent Recreation Mitigation

This application is within 5.6km of Chichester & Langstone Harbours Special Protection Area and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has recently adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Deterioration of water environment

The application site is within the catchment of the Solent international sites (SACs, SPAs and Ramsar sites). Natural England advises that there is a likely significant effect on the Solent's international sites due to the increase in waste water from the new housing within the Solent catchment.

We recommend that the waste water issue is examined as part of the requirement for Appropriate Assessment under The Conservation of Habitats and Species Regulations (as amended 2017) and note the submission of a Mitigation Checklist which will inform your Authority's consideration of the application. Natural England must be consulted on any Appropriate Assessment.

Natural England is aware that Havant Borough Council has published a Position Statement on Nutrient Neutrality which provides an interim approach to the issue and requires applicants to prepare a site specific nutrient budget or use a Grampian condition to ensure the provision of an avoidance and mitigation scheme prior to occupation of the development. Natural England recommends that site specific nutrient budgets are agreed with Natural England at the earliest opportunity via our charged advice service. It is noted that in this case, the applicant has agreed to the use of a Grampian condition for nutrient neutrality.

Provided that the applicant is complying with the requirements of position statement in full and the development achieves nutrient neutrality through an agreed site specific nutrient budget or through the mitigation package outlined by the Grampian condition, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites, and has no objection to this aspect of the application. Please consult Natural England on the discharge of the Grampian condition.

Other advice

Sites of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Biodiversity and protected species

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological

appraisal to be agreed by an HCC ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist. Given the sensitivity of adjacent areas for bats, consideration should be given to appropriate mitigation and enhancement measures including a sensitivity lighting strategy.

We encourage all developments to achieve a net gain in biodiversity. The attached Annex A includes opportunities for enhancement such as planting native species in gardens and landscaping, as well as the addition of bird and bat boxes. Net gain is also possible for small scale development where there are limited opportunities on-site as contributions can be taken for offsite projects to help enhance the wider biodiversity opportunities in the Borough. For example, proportional contributions could be taken to plant new trees in the Borough, provide new bat and bird boxes, help manage the Borough's wildlife sites etc.

Please note that provided your retained ecologist is satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

Nutrient Team - No Objection

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00108.

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: 19

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
Previous permission 3 bed - not suitable for 4 bed. Does not show relationship to the dwelling to the rear. Design not in sympathetic - out of keeping the character of the byway Over development of the site. Adverse impact on residential amenity.	See Section 7 below. Plans submitted to show this. See Section 7 below.
Encroachment on the public verge. Metal fencing has been placed too close to the byway - evidence of heavy vehicles churning up the verge of the byway in the vicinity of the site -deliveries to the site will exacerbate this unless a better entrance.	Proposal within application site. At the time of the site visit this was temporary heras fencing. Construction vehicles would be of a temporary nature
Lack of opportunity for screening to the front.	Screening to the front is proposed and would be the subject of a condition
Generate increase traffic - safety risk to user of the byway - should be only for walker & cyclists.	See Section 7 below.

7 Planning Considerations

7.1 Appropriate Assessment (AA)

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 Regulations 2017. 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 European Sites due to both the increase in recreation and the decrease in water quality that would be the result of the proposed development.

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. The applicant has entered into a legal agreement to secure the mitigation packages.

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. The applicant has entered into legal agreements to secure the mitigation packages.

7.2 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) BOAT- Byway Open to All Traffic
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Parking
- (vi) Trees
- (vii) Ecology
- (viii) Drainage
- (ix) Habitats Regulations Assessment/ Developer Contributions/CIL

(i) Principle of development

7.3 The application site is situated within an urban area as defined by policy CS17 where further development is considered acceptable subject to the usual development control criteria. Policy CS9 supports new dwellings which help the Borough achieve its allocated housing requirement and therefore the principle for an additional dwelling is acceptable, which was found to be the case when planning permission was granted for a 3 bed dwelling on the site under reference APP/18/00481.

(ii) BOAT- Byway Open to All Traffic

7.3 The BOAT provides access to the proposed new dwellinghouse, as was the position with the previous permission.

7.4 The history of the site is that the BOAT is used to serve the original dwellings at the top west side of Hollybank Lane as a road for vehicles. When the new development was built two new access roads were created from Oak Tree Drive to serve the estate and therefore the BOAT is not generally used for vehicular access. This change over time has meant that it has been primarily used as a through route for pedestrians, horses and cyclists to access the woods to the north. However the byway has not been formally designed to be anything more than an access road for vehicles and this is its current use. In 2016 the byway was reinforced with a combination of concrete and tarmac making it safe for vehicular access. Therefore it is not illegal for the BOAT to be used by vehicles nor is it considered to be contrary to policy CS8 of the Havant Borough Local Plan (Core Strategy) as the site has been used by vehicles in the past and has not been designated formally for any other use than a BOAT.

7.5 The Highway Authority has been consulted over the proposal and has raised no objection. Therefore the principle of using the BOAT as an access for this one dwellinghouse is considered to be acceptable.

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

7.6 The land in question is situated between a residential development and in 2018 planning permission was granted for a new dwellinghouse to be located on the site, for a two storey dwelling. The current application seeks to change the design of the proposal and increase the number of bedrooms from 3 to 4, with access onto the byway adjacent to it. The proposal would be located within a residential area and is

considered to be acceptable in principal.

- 7.7 The application site is considered to be large enough to accommodate a new dwellinghouse, reflected by the previous permission. However, at that time, concerns were raised in relation to the mass and bulk of the proposal and the adverse impact that this could have to the neighbouring dwellings. As a result the development was reduced in scale from 4 to 3 bedrooms and the design was amended.

- 7.8 The proposal's design is traditional in nature, with materials of brick, Marley Eternit cladding and plain tiles. The changes to the approved development include:

Changes to the design of the dwelling, including a full hipped roof, as opposed to the previous front to back gable, which seeks to reduce its impact on the locality;

Increase in floor area from 126 sqm to 176 sqm, with a significant amount of the ground floor footprint single storey;

Loss of the single storey garage on the south side; with 3 vehicles spaces to the front
Proximity to northern boundary 1m closer, to south 0.2 m further away from boundary and

A rap around single storey element to the north, west and part east elevation, which seeks to reduce its impact on the locality.

- 7.9 The dwelling would be set off by approximately 1 m from the shared boundary to the north and 1.2m to the south, at its closest point. The works include a rap around single storey element to the west, north and partially to the east, which reduces the bulk and impact of the development. The rear garden would be between 11m and 15m deep creating a distance between the new dwellinghouse to the west of between approximately 22.6m and 25.4m. This is in compliance with the Borough Design Guide and is considered to be generally larger than other garden depths in the vicinity. Overall it is considered that the proposed development would integrate well within the character and appearance of the area and would have an acceptable visual impact to the locality.

- 7.10 Whilst the current proposal is a larger footprint than the approved, the bulk of the development has been reduced by the changes to the design of the building/roof and the single storey rap around element, which would reduce its bulk and massing and provides, at first floor, a sense of space around the development. The scale and massing of the dwelling is comparable to that of surrounding development. As to materials, reference is made to brick and Marley Eternit Cladding with plain tiles, details of which would be conditioned to ensure that the materials proposed are compatible with the existing palette in the immediate vernacular.

- 7.11 The design and appearance of the proposal is deemed appropriate in context to the area and would not have an adverse impact on the visual amenity of the locality and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iv) Impact upon residential amenity

- 7.12 The works have the potential to impact Nos 4-8 Aubin Wood, No 1 Brunswick Place and No 2 Aubin Wood to the south and north and to the dwelling to the west.

- 7.13 As to the potential impact on neighbouring properties, the proposal is set forward into the site, which is reflective of development to the south, with a separation distance of approximately 10m to the closest property in Aubin Wood to the north, with a 1.8 m

wooden fence along the boundary The northern elevation of the proposal, has no first floor windows, with only a door and roof lights on the single storey element.

- 7.14 As to the south, there is one window at first floor on the proposal, which would service an en-suite, which would be the subject of a condition requiring it to be obscurely glazed. The separation of the proposal, which is angled, to the dwelling to the south in Brunswick Place, would at its closest point (single storey) be approximately 4.4m, with a 1.8m wooden fence along the boundary. Overlooking from the 2 bedroom windows would be directed to the flank elevation of 1 Brunswick Place. Overshadowing to this property's garden would be limited due to the orientation of the proposal
- 7.15 To the dwelling to the rear there is a minimum separation distance of approximately 22m, which would not cause undue loss of privacy, to the occupiers of this dwelling. The separation distance exceeds the requirement of the Havant Design SPD.
- 7.16 The works have also been designed to have an eaves height of approx 5m which is modest for a two storey dwelling and the roof, which is a full hip, of 8.8m. This would result in the highest part of the dwellinghouse set further away from the neighbours. Taking in account the other neighbouring relationships within the estate this level of impact is considered to be limited and on balance, the design and distances created with the proposed dwellinghouse is considered not to result in significant harm to residential amenity. However, the removal of permitted development rights is recommended to ensure that any further development work to the dwellinghouse or outbuildings within the curtilage of the site requires permission from the planning authority, to ensure that such development is acceptable in planning terms.
- 7.17 Consequently, it is considered that the proposal will not appear overbearing or lead to unacceptable overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(v) Parking

- 7.18 The Highway Authority has raised no objection to the proposal, but questioned the size of the car parking areas. This has been addressed by the submission of amended plans.
- 7.19 Three car parking spaces are proposed for this 4 bedroom dwelling at the front of the site, which accords with the requirements in Havant's Car Parking SPD and Policy DM 13 of the Havant Borough Local Plan (Core Strategy)

(vi) Trees

- 7.20 The Arboricultural Officer initially sought further information regarding the relationship of the proposal with the protected trees to the north. This information was submitted and subject to the imposition of a pre-commence condition relating to a finalised method statement and foundation design then no objection has been raised. The pre-commencement condition has been agreed with the agent.

(vii) Ecology

- 7.21 The Ecologist has been consulted and in terms of lighting and impact on bats in the woods opposite raises no objection but seeks a pre-commencement condition

requiring a sensitive lighting strategy to be submitted prior to work commencing on site. This has been agreed with the applicant's agent. A single bat roosting feature is also recommended to be conditioned.

(ix) Drainage

- 7.22 Southern Water has been consulted over the proposal and has raised no objection. However, a condition is recommended, that measures are undertaken to protect the public sewer within the site. A pre-commencement condition to this effect is recommended, which has been agreed with the agent.

(vii) Habitats Regulations Assessment / Developer Contributions/CIL

- 7.23 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 Regulations 2017 (as amended). 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 (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.
- 7.24 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 and Mitigation Plan for Nutrient Neutral Development. The applicant entered into a legal agreements to secure the mitigation packages.
- 7.25 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on 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 legal agreements to secure the mitigation packages.
- 7.26 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.
- 7.27 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 176 sqm, which would be £26,242.86.

8 Conclusion

- 8.1 In the overall planning balance and having due regard to all material planning considerations, the proposal, which provides for a 4 bed dwelling, would not have an adverse impact on the character and appearance of the area or residential amenity, with the appropriate mitigation packages secured. The development would be acceptable in highways, arboricultural and ecology terms and is considered to accord with the development plan when considered as a whole. Conditional planning permission is therefore recommended.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00108 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:

Design & Access Statement
Arboricultural impact Assessment/Statement and Tree Protection Plan - Gifford Tree Service
Location Plan - Drawing No. 1B
Block Plan - Drawing No. 2B
Proposed Site Plan, Elevations & Floor Plans - Drawing No.1 B
Tree Protection Plan Overlay - Drawing No. 4C
Preliminary Foundation Scheme - Drawing No. SK001 P1

Reason: - To ensure provision of a satisfactory development.

- 3 Prior to the commencement of the development hereby permitted a foundation design plan and a finalised arboricultural method statement shall be submitted in writing to the Local Planning Authority for approval. The approved schemes shall be implemented in accordance with the approved details.

The development must be undertaken in accordance with the Arboricultural Impact Assessment/Statement and Tree Protection Plan supplied by Gifford Tree Service and the Tree Protection Plan Overlay, drawing No. 04C to be read in conjunction with the aforementioned tree report by Gifford Tree Service

Reason: To secure the conservation and enhancement of existing natural features and having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the building has 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No above ground construction work shall take place, until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Details shall include the finished levels, edging and/or threshold detail/type and any retaining structures or steps. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

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

- 6 Prior to occupation a detailed soft landscaping scheme for the front of the site (eastern side) not proposed to be hardsurfaced shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The car parking and other vehicular access arrangements shown on the approved plans Drawing No 01 Rev. B 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.

- 8 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local

Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer on 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 CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Prior to the commencement of development, a sensitive lighting strategy shall be submitted in writing to the Local Planning Authority for approval. The approved strategy shall be implemented in accordance with the approved strategy and thereafter retained and maintained and no other external lighting erected on site.

Reason: To safeguard the biodiversity of the area in accordance with the Wildlife and Countryside Act 1981, NERC Act 2006 and having due regard to policies CS11 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 A single bat roosting feature (e.g. Bat Access Tile, 2FR Schwegler bat tube) shall be incorporated into the design of the new building. Where the bat feature has been implemented, the use of breathable roof membrane is not allowed. Thereafter, the bat feature shall be permanently maintained and retained.
Reason: To safeguard the biodiversity of the area in accordance with the Wildlife and Countryside Act 1981, NERC Act 2006 and having due regard to policies CS11 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 13 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions to the main dwelling or outbuildings shall be constructed within the curtilage of the site or any roof alterations made (including the provision of roof light windows) without the prior approval of the Local Planning Authority.
Reason: In the interests of the amenities of the neighbouring properties and parking provision and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 14 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the window in the first floor side elevation facing south and serving an en-suite 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.
- 15 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, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 16 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed 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, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 17 No development shall take place until finished floor levels for the proposed building(s) relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To 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.

- 18 No above ground construction works shall take place until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.