
Site Address:	Land adj 15 Billett Avenue, Waterloooville, PO7 7SZ		
Proposal:	Erection of four dwellings with the associated vehicular and pedestrian access and landscaping and replacement culvert.		
Application No:	APP/18/00109	Expiry Date:	17/04/2018
Applicant:	Peter Ernest Homes Holdings Ltd.		
Agent:	Mr D Neame	Case Officer:	Lewis Oliver
	Neame Sutton Limited		
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is currently a plot of undeveloped land, rectangular in shape with an area of approximately 0.42 hectares, and lies within the defined urban area of Waterloooville. The site previously formed part of the garden of 15 Billett Avenue, which has been subsequently separated from this dwelling. 15 Billett Avenue is a large detached two storey dwelling, which has had substantial extensions to it. Located within the garden is a swimming pool with patio area surrounding it. The site is accessed from Billett Avenue and has tree screening, particularly along the eastern boundary, for which this group of trees are covered by a Tree Preservation Order.

Billett Avenue varies in character with construction being intermittent since the 19th century, with it being defined from the road frontage by individual properties set in large plots. As is the case with 15 Billett Avenue a number of the properties in the area have had a number of extensions to these properties.

The eastern boundary of the site adjoins the rear gardens of Roundway and to the west and south of the site is Billett Avenue. To the north of the site is the relatively recent development of Rushes Court, which is accessed from Highfield Avenue. Rushes Court is a higher density form of development than that of Round way or Billett Avenue.

The site levels fall away from the west to the east, and close to the eastern boundary lies the Hermitage Stream which is culverted at this point and lies approximately 3m below ground level. This part of the site lies within Flood Zones 2 and 3, which is the area adjacent to the Hermitage Stream. In addition running parallel to the stream is a public foul sewer located a minimum of 8 metres from the western boundary.

2 Planning History

07/51589/000 - Application for crown reduction by 30% two Oak trees (T3 and T4), and to crown lift and remove deadwood both subject to TPO 1753., PERM,01/05/2007
62/15136 - for the alterations and additions, UNK,21/12/1962
APP/12/00085 - Crown reduce by 3m, crown raise by 2m and remove deadwood of 2No. Oak trees within Group Order 1 of TPO 1753. , PERM,23/03/2012

APP/15/00735 - First floor front extension; single storey rear infill extension; creation of rear terraced balcony at first floor; installation of cedar cladding., PERM,25/08/2015

APP/15/00982 - Proposed single storey outbuilding extension incorporating pool enclosure., PERM,22/03/2016

3 Proposal

The proposal is for the erection of four dwellings with the associated vehicular and pedestrian access and landscaping and replacement culvert.

This application has been amended during the course of the application, following concerns raised by the Local Planning Authority. These amendments are:

- The height, scale and massing of the four units have been reduced.
- The separation distance between the units has been increased.
- The amount of hardstanding to the front of the units has been reduced.
- The front bedroom windows on Units 2 and 3 have been relocated to the north and south elevation of each unit respectively, to remove any prospect of overlooking to No.15.
- The first floor front facing windows of Units 2 and 3 are to be obscure windows (these are not habitable rooms).
- The first floor of Unit 1 has been handed to address overlooking into the front garden of 15 Billett Avenue.

In addition further information has been submitted in order to address the concerns of the Environment Agency and the Council's Ecologist in terms of the associated environmental impacts of the development with regard to flooding and protected species.

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)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL7	(Hermitage Stream)
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)

Havant Borough Local Plan

In 2019, the Council consulted on a Pre-Submission Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). However, there has been a near 18-month delay to submitting the Plan due to the need to respond to the Dutch Case and ensure that all new development can be nutrient neutral.

The Council subsequently consulted on the proposed changes to the Pre-Submission Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) for public consultation between 3 November 2020 to 17 December 2020. The proposed changes include a strategic mitigation solution for addressing nutrient neutrality.

The Havant Borough Local Plan was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021. An inspector will now be appointed on behalf of the Secretary of State to undertake an examination of the plan.

Until that time, the emerging Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF. This confirms that weight may be given to policies in emerging plans depending on a number of factors. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the emerging Local Plan referenced below are currently afforded limited weight, dependent on the extent to which there are unresolved objections to relevant policies.

The relevant planning policies of the emerging Local Plan are:

- DR1 - Delivery of Sustainable Development
- DR2 - Regeneration
- IN1 - Effective Provision of Infrastructure
- IN2 - Improving Transport Infrastructure
- IN3 - Transport and Parking in new development
- IN5 - Future management and management plans
- E1 - High Quality Design
- E2 - Health and wellbeing
- E3 - Landscape and settlement boundaries
- E6 - Best and most versatile agricultural land
- E9 - Provision of public open space in new development
- E12 - Low Carbon Design
- E13 - Historic Environment and heritage assets
- E14 - The Local Ecological Network
- E15 - Protected Species
- E16 - Solent Special Protection Areas
- EX1 - Water Quality impact on the Solent European sites
- E17 - Solent wader and Brent Goose feeding and roosting sites
- E18 - Trees, hedgerows and woodland
- E19 - Managing flood risk in new development
- E20 - Drainage infrastructure in new development
- E22 - Amenity and pollution

Housing

- H1- High Quality Homes
- H3 - Housing Density
- H4 - Housing mix

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

5 Statutory and Non Statutory Consultations

Arboriculturalist

I raise no objection to the application despite the loss of the significant trees. These trees will need to be removed to repair the culvert on site (EA notification).

If the trees are removed as part of a planning application then we will be able to have greater control (better trees) over the replanting via a comprehensive planting scheme.

Building Control, Havant Borough Council

1) There appears to be inadequate access for fire service vehicles onto the site and turning on the site. Details will be required to show how adequate access will be provided.

2) There does not appear to be adequate details for solid waste storage on site and access for the refuse vehicles.

3) A 300mm diameter foul water sewer is shown on GIS running across the site within 3m of the proposed dwellings. This has not been shown on the plans.

Officer comment: *The proposal is to divert the sewer and Southern Water do not object to the application on this basis.*

County Ecologist

Further comments received following amended plans:

Thank you for forwarding the latest Reptile Receptor Survey report (The Ecology Co-op, October 2018). This provides details of a 'new' proposed reptile receptor site located at Furzeley Golf Course. Suitable habitat within the golf course has been shown to support resident populations of three common and widespread reptile species in low numbers. Provided that the necessary legal agreement is made, I have no in-principle objection to the use of the golf course as a receptor for the small slow-worm population from the application site. The receptor site will be enhanced with suitable habitat piles.

Therefore, if you are minded to grant permission, and provided that there is evidence that an appropriate legal agreement exists between the applicant and the golf course landowner, then I would recommend that reptile mitigation and enhancement measures are secured by condition.

For information:

Initial comments

It is therefore my advice that permission should not be granted until sufficient information in relation to protected species and notable habitats is provided to ensure that sufficient measures are in place and any impacts arising as a result of the proposed development will be mitigated / compensated for as appropriate. My detailed comments are set out below:

Habitats

The Preliminary Ecological Appraisal by the Ecology Co-op (September 2016) states that the habitats present on site include woodland strips along the eastern and southern boundaries, semi-improved grassland, scrub and a species rich hedgerow.

It is also understood that a culverted section of Hermitage Stream is located in the north of the site. Whilst it is acknowledged that the section of the river within the works footprint runs under the ground, assessment of the section of the stream which is not culverted and located adjacent to the site has not been carried out. Therefore, further information is required from the applicants ecologist to assess the suitability of the stream for protected species and any potential impacts arising during the construction phase, as the culverted section of Hermitage Stream will be replaced as part of this scheme.

A large number of trees on site will be removed to facilitate the development, along with all areas of semi-improved grassland on site. The Landscape Plan by Martin Ralph Architects (Drawing no: 16A_071 010 Rev K, June 2017) indicates that a number of mature trees and native vegetation, along with a new hedge will be incorporated into the soft landscaping scheme; therefore I raise no major concerns.

Protected species

Badgers

The Badger Survey Report by the Ecology Co-op (June 2017) confirms that no evidence of the presence of badgers on site was recorded.

Bats

The Bat Activity and Tree Climbing survey report (Ecology Co-op, August 2017) states that the climbing survey of a number of trees was undertaken in May 2017. During the climbing survey, of the 9 trees identified with potential for roosting bats, 8 were downgraded to negligible potential. No bats were recorded emerging from the only tree with bat potential which will be retained as part of the proposals. Serotines, noctules, common and soprano bats were recorded using the site for foraging and commuting. The results of the survey work suggested that the southern and eastern boundaries of the site are mainly used by foraging bats. Sensible mitigation measures have been included in the report to minimise the impact of artificial lighting on foraging/commuting bats which I support. The mitigation measures include no-light-zones along the eastern boundary, compensatory planting and provision of bat boxes. Provided that these measures are incorporated into the scheme, I raise no concerns

Developer Services, Southern Water

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."

Applicant is proposing for replacement of culvert crossing the site which is not under Southern Water ownership. The riparian owner/s and Environment Agency should be contacted with regards to the surface water culvert crossing the site.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Southern Water requires a formal application for a connection to the public 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 foul sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development with sufficient capacity within public sewerage network, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. 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 <https://beta.southernwater.co.uk/infrastructurecharges>.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. The proposed development would lie within a Source Protection Zone as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the water supply source.

Engineering Services, Havant Council

Consultation has been undertaken with EA and licence issued. No other comments regarding proposed drainage system.

Environment Agency

Response to further information.

We can now remove our objection to the proposed development as submitted as we are satisfied that an adequate Flood Risk Assessment has now been undertaken.

An addendum to the original Flood Risk Assessment has been submitted by Aqua Callidus Consulting for our comment and consideration. In principal the addendum has paid sufficient attention to the fluvial flow from the upstream catchment which drains the Queens Inclosure.

As stated in our original consultation response the applicant has applied for a Flood Risk Activity Permit (FRAP) under the Environmental Protection Regulations for the replacement of the existing failing culvert traversing the site. The applicant will also need a FRAP for the construction of the residential properties as they lie within the 8 metre byelaw width of the Hermitage Stream.

Advice to LPA and Applicant

Moving to the construction method statement, the Environment Agency would wish to see measures to allow continued passage of flows (e.g. over pumping) and pollution prevention, including silt and the bunding and containment of diesel and other chemicals. This is important as this section of the Hermitage Stream is extensively culverted and can easily become blocked with silt and other debris caused by groundworks during construction.

There is the potential if the culvert is ever blocked, and there are some large trees within the wing walls of the upstream culvert entrance, that the land above the culvert may become a flood flow route and it is advised that permitted development rights should be removed within this zone. Any fencing should be able to permit overland flood flows to drain freely downstream.

Finally this culvert will flow beneath the gardens of the four new dwellings and they should be made fully aware of their responsibilities as a "riparian owner" and should be recorded on the Title Deeds to ensure future owners are made aware.

Initial consultation responses raised concerns of the impact on the flow and function of the Hermitage Stream

Highways Engineer, Development Engineer

The Highway Authority have no adverse comment on this application.

Landscape Team, Havant Borough Council

From a landscape perspective we do not object to the principle of this development, however we have the following comments:

- The proposed landscape plan indicates a fenced off ecological area at the rear of each property. We have concerns with the longevity of the proposed ecological area as the owners could wish to remove any over grown vegetation and remove the fence from their garden. What measures are being put in place to ensure that the ecological area will be retained. Additionally access for any maintenance is unclear and further details will need to be submitted.
- There is a lack of clarity on proposed building materials within the submitted documents. The existing streetscape vernacular has a varied mix of brick, render, concrete/clay tiles. Any development should be in accordance with planning policy CS16 High quality Design 1-C Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing building lines, plot widths and depths, material and proportions of windows and doors;
- The analytical site plan indicates a retaining wall on the western boundary and further details are required to understand what is proposed. We require cross sections, elevations, levels and proposed materials to review suitability. Furthermore we have concerns with the proximity of the proposed mature trees to the retaining wall. Once at maturity the tree roots pose a high risk of damage to the retaining and increasing the likelihood of failure.

As such we would recommend to condition the following:

- A detailed soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges,

marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant tree pit details, specification schedules, comprising plant size, number and density, as well as, the proposed planting implementation programme. This should also be accompanied with associated management plan.

- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates.

- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:

- finished levels
- hard surfacing material type / product reference and colour
- laying bond
- edging or threshold detail / type
- retaining structures or steps

- Further details on building material specification for the development requiring submission including material type, product reference and colour to understand how the proposed development will affect the existing streetscape.

Natural England Government Team

No Objection subject to SRMS payment and an Appropriate Assessment taking place

Planning Policy, PPUD

The Council's latest published five-year housing land position based on the Government's proposed methodology for calculating housing need. This identifies that the LPA has a 5.1 five year housing land supply. As such the Local Planning Authority can demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF 2018 (formally paragraph 14 in NPPF 2012), known as the 'Tilted Balance' is not engaged and is therefore not relevant in the assessment of this application.

Officer comment: *The housing supply position was updated in February 2021 and is reflected in the Planning Considerations below - the Council can no longer demonstrate a five-year housing land supply.*

Traffic Management, East Hampshire District Council

Traffic team has no adverse comments to make on this application

Waste Services Manager

Location of the bin store needs to be easily accessible to be used and serviced.

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: 17

Number of site notices: 3

Statutory advertisement: Not applicable.

Number of representations received: 17

This application was re-advertised to contributors following the submission of amended plans

The following reasons for objection have been raised in the representations (summarised):

General Design and Layout Issues

- Excessive density out of keeping with neighbouring bungalows.
- Overdevelopment, out of character and with little public space and poor privacy
- Isolated development which does not integrate with the existing pattern of development
- Design average and unimaginative

Impact on Ecology and Natural Features

- Object to more loss of valuable wildlife habitats and open spaces. Reptiles should be kept on the site rather than moved elsewhere.
- Development of the site will see the loss of a significant number of established protected trees and hedgerows which will not be replaced within the new development
- The green areas are not adequate to mitigate or enhance loss of wildlife habitat
- The green areas are not connected to other development and the proposal fails Havant's rich biodiversity, leaving vulnerable species in isolated, and therefore unviable.
- No provision for reduction of light and noise pollution on this small site has been included to mitigate disturbance to existing residents or wildlife
- The green areas proposed are too close to residential areas or human traffic for wildlife to thrive
- Adverse impact on the Hermitage Stream
- Concerns about how the ecological area would be maintained and who would be held responsible for it

Residential Amenity

- Does not secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings as set out in the NPPF.
- We appreciate that HBC need to build more housing but we think that you should also consider those in the Borough their quality of life and privacy .
- The proposed density, height, mass and scale of this development is also considered inappropriate.
- Overlooking and possible loss of light will have a significant adverse impact on all of the neighbouring properties
- General noise and disturbance from new residents, including concern regarding bin arrangements and how the noise from moving them will be significant
- The proposal will interfere with the Human Rights of all of the neighbouring properties, through an invasion of privacy and a right to a private life.

Highway issues

- Concerned about the state of the road with heavy plant using it. This is a private road and we are responsible for its upkeep.

Officer comment: *Impact of a development on a private road is not a material planning consideration*

- Concerned that the proposal would lead to further traffic which would conflict with both general highway and pedestrian safety.

Drainage and Flooding Issues

- Concerns about the impact of the development on Hermitage stream culvert and associated flooding issues that any development is more than likely to cause
- The positioning of development in this location and the associated run off from hard surfaced areas, will cause surface water flooding

7 Planning Considerations

Appropriate Assessment

- 7.1 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.

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

The Appropriate Assessment concluded that is 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 a legal agreement 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) Nature of development
- (iii) Impact upon the character and appearance of the area including protected trees
- (iv) Impact upon residential amenity
- (v) Impact on highways and parking
- (vi) Impact on drainage/flooding and Hermitage Stream
- (vii) Impact on Ecology
- (viii) Developer contributions
- (iv) Other matters

(i) Principle of development

Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) require a local planning authority determining a planning application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Havant Borough consists of the Havant Borough Local Plan (Core Strategy), the Havant Borough Local Plan (Allocations Plan) and the Hampshire Minerals and Waste Plan.

A new local plan is currently being prepared and is a material consideration along with the National Planning Policy Framework. The emerging Havant Borough Local Plan was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021. An inspector will now be appointed on behalf of the Secretary of State to undertake an examination of the plan.

The NPPF (paragraph 48) sets out that weight can be given to relevant policies in emerging plans depending on, amongst other things, the stage of preparation of the emerging plan. At the current stage where the Local Plan has only recently been submitted, it can be afforded only limited weight.

In the current case the application site is situated within an urban area as defined by the Development Plan where further development is considered acceptable subject to the usual development control criteria. Policy CS9 also applies as new housing is proposed. In principle 4 dwellings on the site would accord with the economic and social dimensions of the NPPF, by introducing much-needed new housing into an established urban area.

Five Year Supply:

The Government has an objective of significantly boosting the supply of housing. Under paragraph 73 of the NPPF, Havant Borough is required to have a rolling five year supply of deliverable housing sites. If this is not in place, then Paragraph 11 of the NPPF sets out that, in applying the presumption in favour of sustainable development, proposals for development should be granted permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. These areas and assets are set out in footnote 6 of the NPPF. The application site in question is not within any of these areas,
or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The Borough's five-year housing land supply was updated in February 2021. This shows that the Borough has a 4.2-year housing land supply with a 20% buffer applied and so does not have a five-year housing land supply. As such the 'Tilted Balance', as outlined above, in paragraph 11 of the NPPF is engaged, and is therefore relevant in the assessment of this application. It is considered that that this is a material consideration of great weight, and supports the principle of securing additional housing delivery through utilising sustainable sites within the defined urban area, and as such this matter weighs significantly in favour of this application in terms of the planning

balance on this application.

(ii) Nature of development

The application seeks permission for the construction of 4 dwellings which equates to approximately 10 dwellings per hectare (dph). Core Strategy policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters) 'Achieve a suitable density of development for the location, taking account of accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form'.

The supporting text of the Core Strategy (paragraph 6.21) provides further guidance stating that:

The density of new housing will depend on its design and appropriateness to its location. As a guide the following minimum density thresholds have been developed using the Havant Borough Townscape, Landscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:

High Density - Minimum of 60 dwellings per hectare

Medium Density - Minimum of 45 dwellings per hectare

Low Density - Up to 45 dwellings per hectare

Under this assessment, the density of development can be considered to be within the Low Density category. This is considered to be appropriate in principle given the surrounding character of the area, protected trees, the Hermitage Stream Culvert and protected species on the site. However there is also a need to consider whether the development in detail would meet the environmental dimension of the NPPF, in terms of the impact on the character and appearance of the area, which is considered below.

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

The proposal is for a cul-de-sac form of development of traditional character and the layout for the scheme has been informed by the position of the site in relation to the topography, sewer, trees, hedges, the current Hermitage Stream, ecological value of the site and boundary screening and the nature and form of existing surrounding development. Detailed negotiations have taken place with the applicants in order to improve the urban design qualities of the originally submitted scheme, with particular regard to the character of the site layout in respect to size, scale, massing and car parking/hardsurfaced elements, having regard to its verdant settlement location and relationship with neighbouring properties.

The size, scale and massing of the dwellings has been reduced, following concerns raised by officers. Garden sizes would comply with the supplementary planning guidance on this subject, and parking which complies with the adopted standards would be provided on curtilage so as not to be over dominant. Landscaping is indicated to include hedging to front gardens to mitigate for the loss of tree and hedge planting, and an existing area of land in the east of the site above the replaced Hermitage Stream Culvert would be retained as an ecology area, which is to be controlled through a legal agreement.

The site currently is enclosed by existing development, and mature planting limits views from the immediate area. The boundary vegetation will be retained and protected to enhance existing habitats with infill indigenous planting to increase structure and biodiversity. The site slopes significantly and so there will be retaining walls to the houses and around rear gardens adjacent to the sloping access. Further

details were requested to understand the levels and relationship with neighbouring properties, and this is considered below. However additional planting would create a more attractive environment upon entering the site. The form of development is considered to have regard to the site's context and not adversely impact the character and appearance of the area, and would integrate with the existing community.

Overall, it is considered that this proposal has evolved into a successful scheme, which is in accordance with Local Plan policy and the Design Guide SPD. The buildings will be stepped down into the site with this and the existing and proposed planting containing the development, greatly minimising the impact of it in views from Billett Avenue and surrounding roads. There will be no materially harmful views from Roundway, to the east of the site, with glimpses only through existing breaks in the tree lined boundaries which will be planted up in any case. The new dwellings proposed to the front will not be a dominant feature on the Avenue as building lines and heights are predominantly in keeping with their context. The layout responds to the development to the north of the site at Rushes Court, and follows the vernacular of Billett Avenue, which is defined by large properties set within spacious plots.

Trees

The Council's Arboriculturalist has advised that the supporting arboricultural evidence provided by the applicant is comprehensive, although extensive tree removal is required to facilitate development, including removal of some trees which are identified within the Tree Preservation Order (TPO) on the site. The need for removal of these trees has been identified because the proposed site has a culverted section of Hermitage Stream running across it. Hermitage Stream is owned by the Environment Agency, however the culvert belongs to the land owner. The Applicants Drainage Consultant has recommended in the accompanying Culvert Replacement Statement that the culvert be replaced given the serious defects identified in a Condition Survey carried out by Aquajet on behalf of the Environment Agency in 2012. The Condition Survey revealed that the existing culvert is broken and significantly deformed in sections and concluded that remedial works were required within a 5-year period. To date, no remedial works have been done, and urgent action is required. An application was made to the Environment Agency, by the applicant for the replacement of the existing culvert (EA Ref: EPR/DB3156BP) and the permit has been issued. The Council's Arboriculturalist has noted these points and whilst acknowledging the loss of some of the significant trees, it has been identified that given this position the LPA can improve on the existing tree stock through appropriate replanting, which will be secured via a comprehensive planting scheme condition.

(iv) Impact upon residential amenity

Impact on 15 Billett Avenue

The closest residential property is 15 Billett Avenue, which this application site used to form part of. This property is to the west of the site. No.15 is located perpendicular to the proposed layout, which has the proposed dwellings running parallel to the western boundary, though they are set back to allow for parking and access. As such, the neighbouring property of 15 Billett Avenue runs from east to west, with the private amenity areas located immediately to the north of the property in the form of a patio area, with a current derelict swimming pool area beyond moving towards the northern boundary. No.15 also has a roof terrace located on the roof of an existing storey side extension, which is on the eastern elevation facing the application site. Following concerns raised by officers the application has been amended, in addition to further section plans being submitted to understand the change in levels.

These plans indicate that floor level of 15 Billett Avenue is approximately 2.13metres higher than unit 1, and 2.27 metres higher than unit 2.

The amended plans have reduced the heights of all of the units by approximately 0.4m on average for each dwelling. In addition landscaping is also proposed to be allowed to grow above the existing 1.8 metre high mutual boundary fence. With regard to the main two storey bodies of the dwellings proposed, the section drawings show that Unit 1 is now located approximately 15.7 metres from its alignment with No15. Unit 2 is located approximately 16.7m from the boundary with no.15. Units 3 and 4, which are located towards the rear garden of no.15 are located approximately 16.5m and 17m from the boundary respectively.

The amendments to this application, as noted above, comprise a reduction in height of the dwellings, in combination with the dwellings being set down and at a lower level than no.15, and supplemented by some landscaping on the boundary to aid in filtering views from 15 Billett Avenue. Whilst the development would be visible from the private amenity areas, it is not considered to have a significant adverse impact on the amenities of 15 Billett Avenue, in terms of loss of sunlight/daylight or overbearing impact to justify a reason for refusal on this matter.

Another element that has been amended following issues raised by officers is with regard to overlooking. These changes are as follows:

- The bedroom windows on Units 2 and 3 have been relocated to the north and south elevation of each unit respectively, to remove overlooking.
- The front facing windows of Units 2 and 3 are to be obscure windows (these are not habitable rooms).
- The first floor of Unit 1 has been handed to remove any prospect of overlooking into the front garden of 15 Billett Avenue.

These amendments will therefore prevent any direct overlooking into the private amenity areas of this neighbouring property. Whilst it is accepted that some views will be available over the very front and rear of the gardens of this property, this is a relatively normal situation in the built up area. Conditions are proposed to obscure glaze the relevant identified windows and restrict any further openings on the western elevation of the properties, facing no.15, in order to protect the privacy of this property. In addition given this sensitive location and its relationship with the neighbouring properties, it is proposed to restrict permitted development rights. It is therefore considered that the development would not result in significant overlooking and associated loss of privacy to justify a reason for refusal on this matter.

Impact on Roundway and Rushes Court

Concerns have been raised from properties in Roundway that the development would have a significant adverse impact on the amenities of these properties. The rear elevations of the proposed dwellings will be located at least 40 metres from the rear elevations of properties in Roundway. Furthermore existing mature planting exists, and the development would see further mature planting in and around the eastern (rear) boundaries. As such given the proposed layout, and associated degree of separation, in addition to the size, scale and massing of the proposal, the development is not considered to have a significant adverse impact on the amenities of these neighbouring properties to justify a reason for refusal on this matter, with regard to loss of sunlight/daylight, overlooking or overbearing impact.

In terms of the impact on Rushes Court, Unit 4 would be the closest property to this development, with 3 Rushes Court being the immediate neighbour of this property. Unit 4 would be located approximately 10 metres from this property, which is at a higher level to the application site, by approximately 2.1m. Given this situation and the proposed layout it is not considered that this development would have a significant adverse impact on the amenities of this property. It is also noted that no objection has been received from this resident.

(v) Impact on highways and parking

The proposal would utilise the existing access to the site. Having regard to the advice of the Development Engineer, and notwithstanding the concerns expressed by local residents, these arrangements are considered acceptable in principle as they would provide adequate visibility and manoeuvrability for this scale of development. In addition it is considered that the submitted layout makes acceptable provision for car parking for new development - each dwelling meeting the Council's standards. As such the proposal is not considered to have a significant adverse impact on highway safety.

A number of objections have been received regarding the increase in traffic generation having an adverse impact on the highway network. Guidance in the National Planning Policy Framework outlines that proposals would have to have proven 'severe cumulative impacts' on the highway network, in order for applications to be refused. Given the number of units proposed, it is not considered that the development would have a severe adverse impact on the safety or free flow of the highway network, furthermore the Highway Authority do not object to this application.

Concerns have also been raised regarding the impact of the development on the stretch of Billett Avenue which is unadopted and its subsequent impact on the integrity of the road surface. This is not a material planning consideration, and is a Civil matter between those involved.

(vi) Impact on drainage/flooding and Hermitage Stream

The Environment Agency Flood Risk Map shows the development site is located in Flood Zones 1, 2 and 3. The location of the proposed dwellings will be located within flood zone 1. Flood Zones 2 and 3 are located in and around the Hermitage Stream, which is located at a lower level towards the eastern part of the site. Whilst development is considered appropriate for Flood Zone 1, in this case the location for the dwellings in accordance with the Technical Guidance in the NPPF, a Flood Risk Assessment has been submitted together with a drainage strategy to deal with the whole site, with particular focus on the Hermitage Stream area. The Technical Guidance states that developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems. Although there is a potential risk of surface water flooding due to the Hermitage Stream, this is considered below.

As has been identified earlier in this report, the site has a culverted section of Hermitage Stream running across it. Hermitage Stream is owned by the Environment Agency, however the culvert belongs to the land owner. The Applicants Drainage Consultant, has recommended, in the accompanying Culvert Replacement Statement, that the culvert be replaced given the serious defects identified in a Condition Survey

carried out by Aquajet on behalf of the Environment Agency in 2012. The Condition Survey revealed that the existing culvert is broken and significantly deformed in sections and concluded that remedial works were required within a 5-year period. To date, no remedial works have been done, and urgent action is required. An application was made to the Environment Agency, by the applicant for the replacement of the existing culvert (EA Ref: EPR/DB3156BP) and the permit has been issued.

The EA have removed their objection to the proposed development as a revised Flood Risk Assessment has been submitted during the application. This comprised an addendum to the original Flood Risk Assessment. The addendum has now paid sufficient attention to the fluvial flow from the upstream catchment which drains the Queens Inclosure.

The EA have advised the LPA that the applicant has applied for a Flood Risk Activity Permit (FRAP) under the Environmental Protection Regulations for the replacement of the existing failing culvert traversing the site. Moving to the construction method statement, the Environment Agency have requested that a condition is imposed, to ensure the maintenance of the replacement culvert, to allow continued passage of flows (e.g. over pumping) and pollution prevention, including silt and the bunding and containment of diesel and other chemicals. This is important as this section of the Hermitage Stream is extensively culverted and can easily become blocked with silt and other debris caused by groundworks during construction.

It has been outlined that there is the potential if the culvert is ever blocked, and there are some large trees within the wing walls of the upstream culvert entrance, that the land above the culvert may become a flood flow route and as such it is considered reasonable and necessary to remove permitted development rights with regard to outbuildings to ensure that the flow of the Hermitage Stream is not impeded.

The application incorporates a sustainable drainage system which will store the volume of a 100 year return period storm plus 40% allowance for climate change. The sustainable surface water drainage system stores large return period storms and mimics the existing drainage condition of infiltration to ground utilising a series of soakaways and permeable paving areas, which will be maintained by a Management Company, which will drain surface water from the roofs and car parking areas. The system will allow discharge to the culvert via a hydrobreak, with a controlled flow to ensure that surface water is no greater than the existing greenfield site.

A foul sewer runs across the site, which is located parallel to the eastern boundary. Southern Water have requested a condition to ensure that the sewer is protected during the construction and lifetime of the development.

In conclusion on this matter, the EA and Drainage Engineer have now raised no objection to this development, and are content with the measures in place to ensure that the development is free from the risk of flooding and is sustainably drained (subject to conditions). Furthermore the proposal would mitigate against flooding and improve drainage in the wider area through replacement of the failing culvert for this part of the Hermitage Stream, which is above and beyond the requirements outlined and required from the statutory consultees.

(vii) Impact on Ecology

The application has been supported by several ecological surveys, including a Reptile Receptor Survey report (The Ecology Co-op, October 2018). The surveys found the

application site had a low population of slow worms and a low population of grass snakes on the site. Ideally, reptile populations should be retained on site post-development. However, all existing areas of reptile habitat on the site would be lost as a result of the proposed works and the reptile survey report therefore recommends the translocation of the reptiles to an alternative location (a receptor). The report sets out a methodology for trapping and collecting the reptiles, and given the size of the affected population and the habitat present, this is acceptable. The reports identifies details of a 'new' proposed reptile receptor site located at Furzeley Golf Course. Suitable habitat within the golf course has been shown to support resident populations of three common and widespread reptile species in low numbers. This translocation has been secured through a legal agreement and the use of the golf course as a receptor for the small slow-worm population from the application site is considered acceptable and has been agreed the Ecologist consultant. The receptor site will be enhanced with suitable habitat piles.

The Bat Activity and Tree Climbing survey report (Ecology Co-op, August 2017) states that the climbing survey of a number of trees was undertaken in May 2017. During the climbing survey, of the 9 trees identified with potential for roosting bats, 8 were downgraded to negligible potential. No bats were recorded emerging from the only tree with bat potential which will be retained as part of the proposals. Serotines, noctules, common and soprano bats were recorded using the site for foraging and commuting. The results of the survey work suggested that the southern and eastern boundaries of the site are mainly used by foraging bats. This survey provided for mitigation measures which include minimising the impact of artificial lighting on foraging/commuting bats which are considered appropriate in this context. The mitigation measures include no light-zones along the eastern boundary, compensatory planting and provision of bat boxes, these can be secured by condition.

The various measures set out are acceptable to the Council's Ecologist, and it is therefore considered that the proposals satisfactorily address the impact of the development on ecological interests.

(viii) Developer contributions

The development is CIL liable and a liability notice based on the proposed floor area, with a contribution of £100,998.39 has been sent to the applicant.

Additionally, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect to the following matters:-

1. Management and maintenance plan for the lifetime of the development for all communal areas including ecology mitigation area and SUDs and bond.
2. Solent Recreation Mitigation Strategy (SRMS)
3. Nutrient neutrality provisions
4. Reptile Receptor Site - to manage and maintain the Reptile Receptor Site in perpetuity and in accordance with the Ecology Report.

(ix) Other matters

In considering this application for a residential development, Human Rights considerations can be taken into account, as this has been raised by local residents; in particular:

(a) Article 8 - right to respect for private and family life

8.1 Everyone has the right to respect for his private and family life, his home and his correspondence.

8.2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

(b) Article 14 - prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Concern has been raised that by permitting this application it would be contrary to existing residents' human rights with particular reference to allowing a form of development which is claimed to have a significant adverse impact on the amenities of neighbouring properties. It is considered that given the safeguards provided by planning conditions and other legislation, no material interference with the residents' human rights has been established and there is no need to consider the matter further.

8 Conclusion

The proposal has been subject to extensive review and consultation. Extended negotiations have taken place, along with research into previous proposals in similarly sensitive locations, resulting in the plans being significantly improved and amended to address concerns; revising the design, layout and improving landscaping. In terms of whether the development would constitute sustainable development the submitted plans provide for a satisfactory form of development which achieves an acceptable impact on the character and appearance of the area, and the amenities of neighbouring properties. Technical requirements such as highway considerations have been addressed and the Environment Agency have confirmed that the drainage strategy and impact on the Hermitage Stream is acceptable. Furthermore, the Borough's five-year housing land supply figure was updated in February 2021. This shows that the Borough now has a 4.2 year housing land supply with the necessary 20% buffer applied based on the results of the housing delivery test. As such the 'Tilted Balance', as outlined above, in paragraph 11 of the NPPF is engaged, and is therefore relevant in the assessment of this application. It is considered that this is a material consideration of great weight, through utilising sustainable sites within the defined urban area to boost housing supply, and as such this matter weighs significantly in favour of this application in terms of the planning balance on this application.

In summary, the proposed development is considered to comply with the adopted Development Plan, the Borough Design Guide and the NPPF. It would boost the supply of much needed housing in a sustainable manner. As such the recommendation is for permission subject to a Section 106 Agreement; and planning conditions.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00109 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:

Plans Location and Block Plans 001 D
Figure Ground Plan - existing 002 C
Figure Ground Plan - proposed 003 D
Site Plan as existing 004 C
Constraints Plan 005 F
Analytical Plan 006 H
Site Plan as proposed 010 L
Site sections - AA, BB 012 E
Site sections - CC, DD 013 F
Unit 1 - Plans and elevations 015 H
Unit 2 - Plans and elevations 016 H
Unit 3 - Plans and elevations 017 G
Unit 4 - Plans and elevations 018 J
Street elevations 020 E

Ecology and trees

Bat Activity and Tree Climbing survey for bats by the Ecology Co-op (August 2017).
Reptile Receptor Survey report (The Ecology Co-op, October 2018)
Badger survey report
Arboricultural Impact Appraisal and Method Statement reference 0884.bjh.Dec17 and in appendices BH2 - Combined Tree survey and constraints plan - BJH 01/02 and BH3 - Combined Tree Retention & Removals Plan & Tree Protection Plan - plan BJH 03/04 written by Bernie Harverson

Drainage and flooding

Sustainable Drainage Statement dated December 2017
Flood Risk Assessment dated 31st October 2018
FLOOD RISK ASSESSMENT ADDENDUM dated 28th November 2018

Reason: - To ensure provision of a satisfactory development.

- 3 No development hereby permitted shall commence until details of the measures which will be undertaken to protect the public sewer crossing the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To safeguard the amenities of the locality and ensure that the main public sewer that crosses the site, an essential piece of infrastructure serving the area, is protected during the course of the works and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy)

2011, and the National Planning Policy Framework.

- 4 Development shall proceed in accordance with the ecological mitigation and enhancement measures detailed within the Reptile Receptor Survey report (The Ecology Co-op, October 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect biodiversity in accordance with the Wildlife & Countryside Act 1981, the NERC Act (2006), the National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 Development shall proceed in accordance with the measures set out in Section 5 'DISCUSSION AND RECOMMENDATIONS' of the Bat Activity and Tree Climbing survey for bats by the Ecology Co-op (August 2017). Thereafter, the new bat roost features and enhancements shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the protection of bats and enhance biodiversity in accordance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the following arboricultural methodology:

(1) Protective measures, including fencing and ground protection in accordance with the Arboricultural Impact Appraisal and Method Statement reference 0884.bjh.Dec17 and in appendices BH2 - Combined Tree survey and constraints plan - BJH 01/02 and BH3 - Combined Tree Retention & Removals Plan & Tree Protection Plan - plan BJH 03/04 written by Bernie Harverson and submitted to the Local Planning Authority, shall be installed prior to any demolition, construction or groundwork commencing on the site and retained during construction.

(2) The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with 0884.bjh.Dec17 and Combined Tree Retention & Removals Plan & Tree Protection Plan - plan BJH 03/04 written by Bernie Harverson.

(3) No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Appraisal and Method Statement 0884.bjh.Dec17.

(4) Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement 0884.bjh.Dec17 shall be agreed in writing by the Local Planning Authority.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity in accordance with policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 7 The development permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (31/10/2018) and addendum 1849 L 28-11-18. The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements within the scheme Flood Risk Assessment (FRA), unless otherwise agreed in writing

by the Local Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding from blockages to the existing culvert, and to reduce the risk of flooding to the proposed development and future occupants. This condition is required in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework for Flood Risk and Coastal Change and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 Notwithstanding the submitted plans no above ground development hereby permitted shall be commenced until further details of the soft landscaping scheme for all open parts of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include a comprehensive landscape master plan, which shall include the planting and maintenance of a number of semi-mature native broad leaf trees (UK grown and sourced in line with current biosecurity guidelines) to be planted in a sustainable location as per the British Standard guidelines. The information shall include plant tree pit details, specification schedules, comprising plant size, number and density, as well as, the proposed planting implementation programme. 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 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

- 10 Notwithstanding the submitted details no above ground development hereby permitted shall commence 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. The details shall include details regarding retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates. 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 policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the dwellings hereby approved all windows on the front elevations (north west elevation) at first floor shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent). For the avoidance of doubt, these relate to the following windows, identified on the elevation and floor plans:
Unit 1 - FLOOR PLANS and ELEVATIONS - 16A_071 015 Rev H - Windows serving En-suite, dressing room, bathroom and landing on front elevation (north west elevation)
Unit 2 - FLOOR PLANS and ELEVATIONS UNIT 2 - 16A_071 016 Rev H - All first-floor windows on front elevation (north west elevation)
Unit 3 - FLOOR PLANS and ELEVATIONS UNIT 3 - 16A_071 017 Rev G - All first-floor windows on front elevation (north west elevation)
Unit 4 - FLOOR PLANS and ELEVATIONS UNIT 4 - 16A_071 018 Rev J - Windows serving En-suite, dressing room and bathroom on front elevation (north west elevation)
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.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E, of Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and the Impact on the Hermitage Stream having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy AL7 of the Allocations Plan 2014 and the National Planning Policy Framework.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows at first or second (roof) floor, other than those expressly authorised by this permission shall, at any time, be constructed in the development hereby permitted.
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.
- 14 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.

- 15 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.