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|-----------------|--------------------------------------------------------------------------------------------|---------------|--------------|
| Site Address:   | 16 Lovedean Lane, Waterloooville, PO8 8HH                                                  |               |              |
| Proposal:       | Extension to existing dwelling and construction of 1No. 3 bed dwelling.<br>(Resubmission). |               |              |
| Application No: | APP/21/00069                                                                               | Expiry Date:  | 30/03/2021   |
| Applicant:      | Mr Pilcher                                                                                 |               |              |
| Agent:          | Ms Cutts                                                                                   | Case Officer: | Lesley Wells |
|                 | Wessex Planning Ltd                                                                        |               |              |
| Ward:           | Cowplain                                                                                   |               |              |

Recommendation: **GRANT PERMISSION**

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## **1     Site Description**

The site lies within the built-up area of Waterloooville. Surrounding the site are detached dwellings.

No 16 Lovedean Lane is an older property noted by the pre-application planning officer as having an attractive cottage character with flint detailing and a clay tile roof. The attempt to list the property was unsuccessful with English Heritage as the building did not have sufficient architectural or historic interest to qualify for statutory listing and the property had been altered over time.

Despite its position sitting forward of most of the surrounding development towards the carriageway it does not have a prominent appearance in the street scene as a result of the frontage hedge and trees and the single storey nature of the building.

The dwelling shares an access with its neighbour, No 14B, Lovedean Lane to the east, which is a two storey dwelling. To the rear lies its large garden area, where an outbuilding is sited.

No 16A, to the west, is a detached bungalow. No 29 Keydell Close is to the rear, which is a bungalow.

Running along the western boundary to the property is a pedestrian pathway leading to Keydell Close to the rear of the site.

Generally within the locality there is a strong mix of two storey dwellings, chalet bungalows and bungalows

Sited immediately adjacent to the access is a large Ash tree, protected by a Tree Preservation Order.

The site falls within Flood Zone 1, with the size of the plot approximately 0.08 hectares.

## **2 Planning History**

APP/20/00436 - Demolition of existing dwelling and construction of 1No. 3bed and 1No. 2bed dwellings., WD,29/07/2020

## **3 Proposal**

Following the demolition of a flat roofed garage, the proposal seeks an extension to an existing dwelling and the construction of 1No. 3 bed detached chalet bungalow to the rear, with on site car parking, which would be sited to the rear of the existing bungalow and to the front of the chalet bungalow. (Resubmission).

An earlier proposal for the site under reference APP/20/00426, was for the demolition of the existing bungalow to the front of the plot, to be replaced with a three bed bungalow and a three bed chalet bungalow to the rear. This was withdrawn.

## **4 Policy Considerations**

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

### Havant Borough Local Plan (Core Strategy) March 2011

|      |                                                                                   |
|------|-----------------------------------------------------------------------------------|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS16 | (High Quality Design)                                                             |
| CS17 | (Concentration and Distribution of Development within the Urban Areas)            |
| CS9  | (Housing)                                                                         |
| DM13 | (Car and Cycle Parking on Residential Development)                                |
| DM8  | (Conservation, Protection and Enhancement of Existing Natural Features)           |

### Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| AL1  | (Presumption in Favour of Sustainable Development)                                        |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |

### Havant Borough Submission Local Plan 2036

|     |                                              |
|-----|----------------------------------------------|
| E22 | (Amenity and pollution)                      |
| E20 | (Drainage infrastructure in new development) |
| E2  | (Health and wellbeing)                       |
| E1* | (High quality design)                        |
| H1* | (High quality new homes)                     |
| E3  | (Landscape and settlement boundaries)        |
| E12 | (Low carbon design)                          |
| E15 | (Protected species)                          |
| E16 | (Solent Special Protection Areas)            |
| E14 | (The Local Ecological Network)               |
| E14 | (The Local Ecological Network)               |
| IN3 | (Transport and parking in new development)   |
| E18 | (Trees, hedgerows and woodland)              |

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## **5 Statutory and Non Statutory Consultations**

### **Arboriculturalist**

The submitted arboricultural information for this development is comprehensive and to a high professional standard considering the tree constraints presented for the site.

As long as the AMS and TPP (to include a pre commencement site meeting and regular arboricultural supervision) are adhered to then my view is that the trees will unlikely to be impacted on to a degree whereby their health or public amenity value will be negatively affected.

If permission is given it is vital that the AMS and TPP are conditioned fully.

### **Building Control - Comments**

1) The plans do not show adequate access for fire service vehicles under Requirement B5. The driveway should have a minimum width of 3.7m and be able to support a 12.5tonne vehicle so the a fire fighting vehicle can get to within 45m of all points within the new dwelling.

2)The plans do not show compliance for solid waste storage under Requirement H6 - the bin store should be located so that it is within 30m of the front door to the new dwelling and 25m from the local authority collection point.

3) It should be ensured that the extension to the existing house and the proposed dwelling will be more than 3m from the existing foul water sewer.

**Officer comment:** *In response the Agent has advised:*

### **Access for Fire Vehicles**

*A fire truck can get within 45m of all points of the new dwelling through Keydell Close.*

### **Waste Storage**

*The occupants will bring their bins to the road on refuse collection days*

### **Foul Water Sewer**

*As with my client's previous application, you may recall that we accurately measured the position of the house to be 3m from the adjacent foul water sewer.*

*I hope that the above adequately addresses any planning concerns that you may have in regard to the Building Control response.*

**Officer comment:** *Building Control issues will be dealt with, at the Building Control application stage.*

## **Community Infrastructure**

CIL Liable in respect of the new dwelling:

<http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the additional dwelling and its respective number of bedrooms. See

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

b) Issue the Nutrient Neutrality Unilateral Undertaking. See

<https://www.havant.gov.uk/nitrogen-developers>

## **Conservation Officer - No Objection**

### **Application site**

The site is located on the north side of Lovedean Lane (No. 16) in Waterloooville. It comprises a detached bungalow set within a generous plot. Compared to the surrounding residential development, the existing dwelling on the site has some heritage value with the original building dating back to the mid C19 (1844). It was originally constructed as one of two Porter's Lodges at the entrance to the grounds of Keydell House. Keydell House was demolished in the 1968 and the entire estate since redeveloped for housing.

The dwelling is currently unoccupied and has been vacant for some time. It has been altered many times since its original construction. Its main construction is flint and brick walls with yellow brick dressings a pitched roof with red clay peg tiles, a gabled porch with decorative red and yellow brick and exposed painted timbers. There is a small octagonal store area at the rear, which could have previously been used a tack room or larger store. There are also various C20 additions and a conservatory to the east elevation.

### **Planning History / Building Preservation Notice**

An application was submitted in 2020 to demolish the existing dwelling and construct a new one in its place, with a further new dwelling to be constructed in the rear garden. This application resulted in several objections being made with regards to the loss of the bungalow, which is considered to be a local heritage asset given its former association with Keydell House.

To investigate the heritage value further and to establish whether the building was worthy of statutory listing, the Local Planning Authority served a Building Preservation Notice (BPN) which prevented any demolition of the building for six months, or until a request to assess the building for listed by Historic England had been made and determined. This resulted in the withdrawal of the application.

### **Application for Statutory Listing / HE Decision**

Historic England (HE) issued a decision on 6 October 2020. This concluded that after examining all the records and other relevant information and having carefully considered the architectural and historic interest of the building, the criteria for listing are not fulfilled.

The building does not have sufficient architectural or historic interest to qualify for statutory listing. It has undergone a considerable degree of alteration since it was first built, including sizeable additions to the rear and the original internal plan has been significantly altered.

The principal reasons include:

**Level of Architectural interest:**

- \* as a relatively late example of a cottage orné, it lacks the architectural distinction required of lodges of this period to be considered of national significance;
- \* while the surviving historic fabric of the lodge has some visual and architectural interest, ultimately the building has been too altered throughout the C20 to meet the criteria for listing.

**Level of Historic interest:**

- \* all of the documented historic associations relating to former occupants of the demolished Keydell House are not evident in the surviving fabric of the lodge and amount to local, rather than national, significance.

**Local Heritage Value**

Whilst it is not worthy of national listing, the building does still hold local heritage value as a non-designated heritage asset because of its connection to the former Keydell Estate.

Whilst it is not a statutory requirement, the Council does hold a list of 'Buildings with Local Historic Interest'. Whilst this offers no formal protection as a statutorily listed building would do, it does highlight the need for the heritage value to be a consideration in the determination of a planning application. The National Planning Policy Framework requires the consideration of all heritage assets to be made in planning decisions, regardless of whether they are designated or not. The building is therefore considered to be a non-designated heritage asset.

As the former gate lodge is now being retained in the revised scheme and awareness of its local heritage value has been highlighted, the need to include it on the local list is less urgent, although this is still scheduled to take place once a review of the Council's local list is underway (subject to resources).

**Proposal**

The amended scheme seeks to retain and renovate the existing bungalow, subdivide the plot and provide a further dwelling to the rear garden.

The bungalow conversion includes the removal of the later additions to the north elevation and the octagonal flint room on the west elevation. A new single storey extension is proposed on the north elevation. Matching brick work and materials are proposed.

The new dwelling to the rear would be a chalet style bungalow with pitched roof dormer windows.

## **Legislative and Policy Context**

### **National Planning Policy Framework**

The revised NPPF (February 2019) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

#### **Paragraph 184:**

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

#### **Paragraph 189:**

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

#### **Paragraph 190:**

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

#### **Paragraph 191:**

Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

#### **Paragraph 192:**

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

### **Considering potential impacts**

#### **Paragraph 193:**

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

#### **Paragraph 194:**

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

### **Havant Borough Council Local Plan**

With regards to local planning policy, the following policies are relevant:

#### **Policy CS11 of the Core Strategy 2011 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)**

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

#### **Policy CS16 of the Core Strategy 2011 (High Quality Design)**

Policy CS16 (1a) of the Core Strategy states 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.

#### **Policy DM20 of the Allocations Plan 2014 (Historic Assets)**

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.
2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

### **Emerging Policy in the Emerging Local Plan**

#### **Policy E13 (Historic Environment and Heritage Assets)**

Heritage assets are an irreplaceable resource and consequently great weight will be given to their conservation. Development proposals should, in the first instance, avoid any harm to or loss of the significance of assets and any harm or loss considered unavoidable will require clear and convincing justification, irrespective of the level of that harm.

#### **Assessment**

The retention of the lodge in the revised scheme as a local heritage asset is fully welcomed. I note that certain elements of the building will be lost, some of which do hold not architectural value. However, the octagonal store room which is architectural interest will be demolished which is regrettable. However, given the building is not worthy of listing, the LPA cannot control the loss of this particular element. On balance, the retention of the lodge is general is still a far more positive outcome for the local history of Waterlooville and to this extent, no objection is raised on heritage grounds.

#### **Conditions:**

1. **Material samples and / or technical details of all external materials to be submitted and agreed prior to above ground construction.**

#### **Conclusion – No Objection**

#### **Councillor A Briggs - Cowplain**

No comment.

#### **Councillor D Keast - Cowplain**

No comment.

#### **Councillor Narinder Bains - Cowplain**

No comment.

#### **County Ecologist**

The new dwelling is not considered to have any adverse impacts on any legally protected species or notable habitats as it will be located within the rear garden of the existing dwelling and only affecting areas of amenity grassland/bare ground. The proposed extensions are likely to affect bats as the survey work carried out in May and June 2020 confirmed the presence of a day roost of an individual common pipistrelle bat. Bats receive protection via the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended). Where developments affect European protected species (EPS), permission can be granted unless:

- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and

- is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Licences will not normally be granted in the absence of planning permission.

- Is the development likely to result in a breach of the EU Directive?

The application is supported by a Bat Survey Report by Ecosupport (June 2020). This report includes results and conclusions of the full survey work, an assessment of the impacts to bats and the measures to ensure that any impacts to bats are avoided or compensated for. The development will result in the loss of a roost used by an individual non-breeding bat. If avoidance measures are not taken then the work has the potential to kill / injure individual bats. The development will therefore result in a breach of the EU Directive.

- Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three tests:

1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

It is for you as the case officer to assess the proposals against the first two tests. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss of the roost will be compensated. In this case, a method statement is provided that includes methods to be followed during the development to ensure bats are not disturbed, killed or injured, together with new roosting opportunities in the form of bat boxes and bat bricks in the new dwelling. I would support all these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed.

Provided that the agreed mitigation proposals are implemented, I would have no concerns over these proposals. If you were minded to grant permission, I would simply suggest that the following condition be added to the decision notice:

- Development shall proceed in accordance with the measures set out in Section 6.0 'Mitigation & Compensation' of the Bat Survey Report by Ecosupport (June 2020) and Sections 6.3 and 6.4 of the Preliminary Ecological Appraisal (Ecosupport, March 2020). Thereafter, the replacement bat roost features shall be permanently maintained and retained in accordance with the approved details. Reason: to ensure the favourable conservation status of bats.

### **Crime Prevention -Minor Apps**

No comment.

### **Developer Services, Southern Water**

Please see the attached extract from Southern Water records showing the approximate position of our existing foul and surface water sewers in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The public foul and surface water sewers requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewers 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.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://southernwater.co.uk/media/3011/stand-off-distances.pdf)

Further, 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.

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

**To make an application visit: [southernwater.co.uk/developing](https://southernwater.co.uk/developing) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/connection-charging-arrangements](https://southernwater.co.uk/connection-charging-arrangements)**

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

#### **Hampshire Highways - No Objection**

Due to this application being for one dwelling with no change to existing access, the application will fall under Hampshire County Council's standing advice and therefore comments will not be made on the internal layout and the local planning authority should review.

#### **Nutrient Team**

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00069.

#### **Public Spaces**

No comment.

#### **Waste Services Manager**

No comment.

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 58

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 1

| <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Officer Comment</b>      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <p>We are glad to see that the application has been resubmitted. This property has been vacant for more than 1 year. In the last few months it has been vandalised and broken into twice which was reported to the Police.</p> <p>Being a vacant property can impose risk to surrounding neighbours as we are concerned the vandalism will continue which can put the surrounding properties and neighbours at risk.</p> <p>We are looking forward to seeing this beautiful cottage restored and extended as it is currently looking very unappealing.</p> | <p>See Section 7 below.</p> |

## **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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity future and existing
- (iv) Trees
- (v) Parking & Access
- (vi) Habitats Regulations Assessment/ Developer Contributions/CIL

#### **(i) Principle of development**

The application site is situated within an urban area 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 in this location.

Following the submission of the original proposal, amended plans were submitted which:

Reduced the size of the extension to the existing dwelling by 1m, to increase the size of the rear garden at its widest point to 10m.

The car parking area was moved further to the west, to provide space for native planting along the eastern boundary with 14b Lovedean Lane.

The rear two dormers in the new dwelling have been replaced with rooflights, with the height of the half hipped roof reduced by 0.7m, to limit the impact of the proposal to the rear and to the east.

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

The proposal seeks a rear extension to the existing bungalow located at the front of the site and the erection of a chalet style bungalow to the rear of the plot. The site is screened from Lovedean Lane by an existing high hedge along the southern boundary and a large protected tree at the entrance to the site. There is also 1.8m high fencing along the other boundaries.

The Council's Conservation Officer (CO) has been consulted, as the existing bungalow has local heritage interest, albeit not of such worth to be listed. The CO welcomes the retention of the bungalow with the removal of the octagonal store room, which is of architectural interest, regrettable. However, as the building is not worthy of listing, the Local Planning Authority cannot control the loss of this particular element and on balance, the CO raises no heritage objection to the proposal.

As to the extension to the existing bungalow this is to the rear of the property. The size of the extension, which is staggered, at its widest point would be approximately 8.9m x 3.5m x 4.9, with the height matching the ridge height of the host bungalow. Due to the configuration of the existing bungalow on the site and the boundary treatment, the extension to the rear would not have an adverse impact on the public realm or from the footpath to the west. Materials would match the host bungalow and the design and scale of the extension would be in keeping with the character of the existing bungalow.

Following revised plans, the rear garden of the existing bungalow would retain a garden at its widest point of 10m in length, dropping down to 7m. Due however to the width of the garden and the amenity areas to the side (west), on balance, it is considered that the garden area would be of a sufficient size for this two bed bungalow and would be in keeping with the character and appearance of the area.

With reference to the proposed chalet bungalow to the rear, whilst not readily visible from Lovedean Lane, it would be seen against the backdrop of the residential estate. From the footpath to the west, part of the proposal would be visible above the 1.8m fence that runs along this boundary. The proposal would be seen in the context of the residential estate, albeit set further back into the site than adjacent properties, which on balance would not be out of keeping with the appearance of the area.

The size of the chalet bungalow would be approximately 9.8m x 7.3m x 6.8m, with space to either side of the proposal in excess of 1m. The design is traditional in nature, with a half hipped roof with two dormers to the front and four rooflights to the rear, with materials of red brick and plain tiles. The rear garden would be approximately 10m in length, with native planting proposed along part of the rear boundary. The separation distance between the extended property and the proposed chalet bungalow would be approximately 20m, which accords with the aims of Havant's Design Guide.

A small parking court would lie between the existing property and the chalet bungalow, providing two spaces for each dwelling, with pavements for the hard surfacing. Due to its location any visibility would be limited from the public realm.

Overall and on balance, the proposal would be in keeping with surrounding residential development, which is varied in style and design and accords with CS16 of the HBLPCS. However, it is recommended that permitted development rights are removed in respect of the new dwelling.

(iii) Impact upon residential amenity future and existing

The properties adjacent to the site are 14B (east) and 16A (west) Lovedean Lane and 29 Keydell Close to the rear.

As to the extension to the existing bungalow this would not materially impact on the residential amenity of the properties identified in the above paragraph and would, on balance, provide sufficient amenity space for future occupiers of this property.

As to 14B Lovedean Lane which is set back into the site, there are three ground floor windows, obscurely glazed, on its west flank elevation, which are partially screened by a 1.8m high wooden fence along the boundary. The proposed parking court would be opposite the flank wall of 14B, which has been sited further to the west, to provide for native hedge planting along the eastern boundary. This would help mitigate the impact of the parking court on 14B.

The height of the proposal chalet bungalow has been reduced by 0.7m and is half hipped, with no first floor side windows. It is also sited approximately 1.5m away from the eastern boundary and is set back into the site, to the rear of 14B, so there would be no overlooking of No. 14B's garden. Due to the orientation of the chalet bungalow, the proposal would give rise to a degree of overshadowing to 14B's rear garden. However, this to a degree is already the case, due to the orientation of 14B and existing trees in the rear garden along the boundary. On balance this overshadowing would not be significantly harmful and would not adversely impact on the residential amenities of the occupiers of No. 14B.

Concerning 16A Lovedean Lane to the west, this is a bungalow set back into the site. Between the application site and this property, there is a tarmaced footpath over 1m wide running north to south, with 1.8m wooden fencing on either side. The separation distance would be approximately 5m. There are no first floor windows on the flank walls of the chalet bungalow. Due to the separation distance and its siting and design, the proposal would not result in overlooking or lead to significant overshadowing to the rear garden of No. 16A.

No 29 Keydell Close lies to the rear of the site, with windows on the south elevation, some of which serve primary accommodation. Concerns were raised with the agent regarding the two rear dormer windows originally proposed and the adverse impact that would have on the privacy of No. 29 Keydell Close. Amended plans have been submitted which have replaced the rear dormers with rooflights, which would service an en-suite, bathroom and a bedroom. Native planting is also proposed along part of the rear boundary. This addresses the overlooking concerns to 29 Keydell Close.

The proposal would not adversely impact on the residential amenity of existing neighbours and would provide an appropriate level of accommodation and amenity space for future occupiers in accordance with Policy CS16 of the HBLPCS. It is noted that no representation objecting to the scheme have been received.

(iv) Trees

There is a large Ash Tree to the front of the site, alongside the access. The Arboricultural Officer has been consulted who has raised no objection, subject to the Arboricultural Method Statement and Tree Protection Plan being adhered to and a pre-commencement site meeting held, together with regular arboricultural supervision, the trees will be "...unlikely to be impacted to a degree whereby their health or public amenity value will be negatively affected.". A pre-commencement condition is recommended for the protection of the trees which has been agreed with the agent, together with the other pre-commencement condition recommended.

(v) Parking & Access

A parking court is proposed between the existing bungalow and the proposal to the rear. Four car parking spaces and turning areas are proposal. Cycle provision is provided to the rear of the new dwelling. The level of car parking, two for each property, and cycle provision, would accordance with Havant's Car Parking SPD and Policy DM13 of the HBLPCS.

As to the access, the Highway Authority has been consulted and as no changes are proposed, has no objection to the proposal.

(vi) Ecology

A Preliminary Ecological Appraisal (PEA) was conducted on the site, to identify any potentially important ecological features that may be affected by the proposed development. The County Ecologist was consulted over the PEA who found that:

*"The new dwelling is not considered to have any adverse impacts on any legally protected species or notable habitats as it will be located within the rear garden of the existing dwelling and only affecting areas of amenity grassland/bare ground. The proposed extensions are likely to affect bats as the survey work carried out in May and June 2020 confirmed the presence of a day roost of an individual common pipistrelle bat. Bats receive protection via the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended)."*

The PEA, however, identified that the proposal will impact a European Protected Species (ie bats). Therefore consideration of the three Habitat Regulations derogation tests is necessary.

An EPS licence can only be granted if the development proposal is able to meet three tests:

1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*

3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

To grant planning permission the Local Planning Authority must be satisfied that the development meets tests 1 and 2 above.

The extension for the existing dwelling would be of social and economic benefit to the occupiers of the property, which would update a dilapidated, substandard bungalow, providing accommodation fit for purpose for the 21st century. There is no satisfactory alternative, as the proposal may only be erected on the existing building. The applicant has provided a PEA, which has carried out an assessment of the impacts to bats and the measures to ensure that any impact to bats are avoided or compensated for.

The County Ecologist has advised that provided that the agreed mitigation proposals are implemented, there are no concerns over these proposals, subject to the following condition being added to the decision notice:

*"Development shall proceed in accordance with the measures set out in Section 6.0 'Mitigation & Compensation' of the Bat Survey Report by Ecosupport (June 2020) and Sections 6.3 and 6.4 of the Preliminary Ecological Appraisal (Ecosupport, March 2020). Thereafter, the replacement bat roost features shall be permanently maintained and retained in accordance with the approved details. Reason: to ensure the favourable conservation status of bats."*

The Supreme Court in *R. (Morge) v Hampshire CC* [2011] UKSC 2; [2011] Env. L.R. 19 held that the duty of the local planning authority is limited to that set out in reg. 9(5) of the Regulations (ie Conservation (Natural Habitats etc.) Regulations 1994), namely: *"to have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions."*

In paragraph 28 of his judgment Lord Brown of Eaton-under-Heywood referred to what Ward L.J. had said in the Court of Appeal (in para.61 of his judgment) (part set out below):

*"The planning committee must grant or refuse planning permission in such a way that will 'establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range ...' If in this case the committee is satisfied that the development will not offend art. 12(1)(b) or (d) it may grant permission. " " If the planning committee conclude that Natural England will not grant a licence it must refuse planning permission. If on the other hand it is likely that it will grant the licence then the planning committee may grant conditional planning permission. If it is uncertain whether or not a licence will be granted, then it must refuse planning"*

The PEA includes a mitigation strategy, to both mitigate and protect the existing features of value from potential impacts from the development and provide enhancements post development.

To conclude, having assessed the proposal, the Local Planning Authority is satisfied that there is a need for the development and there is no satisfactory alternative and that tests 1 and 2 above are satisfied. As to the third test, (the favourable conservation status of the species) this is met by the Mitigation & Recommendations set out in the PEA which has characterised the status of the bat roost and set out measures that ensure favourable conservation status of the species can be maintained.

In light of this, the Local Planning Authority considers it likely that Natural England will grant a licence and therefore conditional planning permission may be granted for the proposal.

The proposal is considered to comply with Policy CS 11 of the HBLPCS.

(vii) Developer Contributions/CIL

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 entered into legal agreements to secure the mitigation packages, with the mitigation payments received.

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, with the mitigation payments received.

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 £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Waterlooville.

CIL is not liable for the extension to the existing dwelling, as it falls under a 100 sqm. However, 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 125 sqm, which would be £14,866.07.

## 8 **Conclusion**

The proposal would not have an adverse impact on the locality or residential amenity. There are no arboricultural, highways, parking or ecology objections and the proposal would be a modest addition to the Council's housing stock. Mitigation packages and payments have been secured in respect of the Solent Recreation Mitigation Strategy and neutral nitrogen development. The proposal is considered appropriate and conditional planning permission is recommended.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00069 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:

Ecosupport Bat Survey Report June 2020  
Preliminary Ecological Appraisal dated March 2020  
Location Plan - Drawing No. 190077\_10  
Proposed Site Plan - Drawing No 190077\_12A  
Block Plan - Drawing No 190077\_11A  
Proposed Floor & Elevation Plan - Drawing No 190077\_14  
Proposed Floor and Elevation Plan - Drawing No 190077\_15A  
Streetscene Plan - Drawing No 190077\_16A

**Reason:** - To ensure provision of a satisfactory development.

- 3 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.

- 4 The car parking and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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

- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alterations and windows shall be constructed within the curtilage of the dwelling site without the prior approval of the Local Planning Authority.

**Reason:** In the interests of the residential amenity and parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Impact Assessment and BS5837 Tree Survey dated June 2020 by Sapling Arboriculture Ltd shall be installed and agreed at a pre-commencement meeting with the Council's Arboricultural Officer and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details, with regular arboricultural supervision.

**Reason:** To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 7 Development shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures set out in Preliminary Ecological Appraisal dated March 2020 and the Bat Survey Report dated June 2020 produced by Ecosupport unless otherwise agreed in writing by the Local Planning Authority. As to the replacement bat roost features they shall be permanently maintained and retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 No external lighting shall be installed on the site/buildings until a full specification of the external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with any terms of such approval and thereafter retained and maintained in the approved locations.

**Reason:** To ensure the ecology of the site/locality is not impacted by external lighting levels and having due regard to policy DM 11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Prior to the occupation of the dwelling hereby permitted and notwithstanding the approved Proposed Site Plan (Drawing No. 19077\_12A), details of the native hedge planting, in terms of sizes and species shall be submitted to, and approved in writing by the Local Planning Authority. The approved landscaping works shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any hedging planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by hedging of similar size and species to those originally required to be planted.

**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.

- 10 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 CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 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.

- 12 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.