
Site Address:	Land between, 26-32 Padnell Road, Waterloooville		
Proposal:	Erection of block of 6 flats with associated parking and bin/cycle storage.		
Application No:	APP/21/00024	Expiry Date:	18/03/2021
Applicant:	Mr A DeSouza		
Agent:	Mr Chahal	Case Officer:	Tina Pickup
	ACA Design Limited		
Ward:	Cowplain		

Recommendation: **REFUSE PERMISSION**

1. Site Description

- 1.1 The application site relates to an open parcel of land located on the south side of Padnell Road, opposite St Wilfred's church. It has been known locally as "Joeys Field" for many years. It comprises a gap in an otherwise continuously built up frontage within the defined urban area, close to the Cowplain District Centre. The site area extends to some 0.107 ha. There have been no known permanent structures on the site since at least the 1950's and as such the site is not considered to comprise Previously Developed Land as defined by the NPPF.
- 1.2 The site is primarily open and grassed land with the recent addition of some builders materials, rubble etc as a store. Formerly the site was wooded, but the trees were felled in Spring 2020. The site is currently secured to the Padnell Road frontage with high wooden boarding and gates; and the perimeter enclosed with 2m high close boarded fencing. In addition, across the centre of the site is a green railing fence. The site slopes down to the south with mature trees the subject of a Tree Protection Area Order on the land immediately to the south, beyond which are the Padnell infant and junior schools.
- 1.3 Either side are residential dwellings – to the east, number 32 is a detached chalet style bungalow sited close to the shared boundary. This has a ground floor window and first floor dormer window facing directly into the site. To the west, number 26 is a semi detached two storey dwelling having a single storey side garage built right up to the shared boundary.
- 1.4 This southern side of Padnell Road is characterised by predominantly detached dwellings of a mix of architectural design and age, but all set in a linear fashion with fairly consistent 'building line' and long rear gardens. The northern side of the road includes two larger developments – the church and Nightingale Lodge, which comprises retirement apartments. These developments are of a similar two storey height and scale but much deeper than surrounding residential properties; their handed layout is such that they do not unduly impact adjacent standard residential properties.
- 1.5 There are no parking restrictions directly outside the application site, although there is a stretch of double yellow lines outside the church. Padnell Road is unclassified. A Southern Water surface water drain runs close to the eastern boundary of the site.

2 Planning History

2.1 None

3 Proposal

- 3.1 Erection of block of 6 flats with associated parking and bin/cycle storage.
- 3.2 The proposed development would comprise 2 No 2 bed units and 4 No 1 bed units within a two storey building having a maximum height of 8.3m with footprint measuring some 10.5m wide and 24.5m deep (including bay and balconies). It would be sited about 18m back from the site frontage where 6 parking spaces would be provided. The gap to the shared boundary with number 32 would be a continuous 3.5m but to the shared boundary with number 26 the gap would taper from 0.5m to 8m. The proposed building would present to the highway with a hipped roof and front gable feature being constructed of a mix of render and facing brick. The side elevation would be broken up in two sections; the front half being render and the rear being facing brick; and each side elevation includes several windows. To the rear 2 first floor balconies are proposed, each 1.5m deep.
- 3.3 A bin storage area is proposed in the north-eastern corner adjacent the highway; and a bike cycle locker is proposed near the front entrance. Front boundary details would be 1.2m high wall with railings. Indicative associated landscaping is proposed to the frontage area. The planning application is accompanied by a Design & Access Statement, Transport Statement and Ecological Assessment.

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)
CS19	(Effective Provision of Infrastructure)
CS21	(Developer Requirements)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E1*	(High quality design)
H1*	(High quality new homes)
H3*	(Housing density)
E12	(Low carbon design)
E16	(Solent Special Protection Areas)
E14	(The Local Ecological Network)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Having undertaken a desk-based exercise reviewing the submitted plans and arboricultural report I raise no objection based on the following observations:

- The trees are a significant distance from the area proposed for development and they will not be affected as works will fall outside the RPA.
- The submitted TPP must be conditioned and adhered to so as the trees will be protected by the tree protection measures outlined in the report

Building Control

- 1) The plans show a storm water public sewer but this appears to be over 3m from the proposed building
- 2) To allow adequate fire service access to the building, the driveway will need to be designed to support 12.5tonne vehicles and have a minimum clear width of 3.7m
- 3) The bin store should be located so that the maximum distance from any flat entrance door to the bins is 30m, the plans show that the worst case is 34m

Community Infrastructure

CIL Liable: <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 number of additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

County Ecologist

The application is supported by ecological assessment by 4 Woods Ecology (November 2020). The site lies in a suburban area with mature trees bounding the southern boundary, beyond lies a small area of habitats providing opportunities for wildlife such as fox hedgehogs and birds.

At the time of the ecological survey the site comprised tall ruderal and grassland habitat and had piles of woodchip, having recently been cleared of trees, shrubs and grassland.

The ecology report found limited ecological value at the site and has recommended measures to protect hedgehogs during works and nocturnal wildlife south of the site from lighting impacts post works. Enhancements include tree planting however this is not reflected in the site plan. Swifts nest sites and bat bricks are also recommended.

I would support these measures. In addition to the enhancement planting of trees and shrubs along the south and west boundaries of the site (Section 4.4 of the 4 Woods Ecology report, Nov 2020), to mitigate the loss of trees and grassland onsite the applicant should include the installation of a hedgehog house and the creation of meadow habitat within the site. As well as gaps (13 cm x 13 cm) for hedgehog permeability along the southern eastern and western fences. Details of which shall be included in the proposed site plan and submitted for approval prior to commencement.

If you were minded to grant permission I would recommend the following condition is added to the planning permission as follows:

Prior to commencement an updated site plan shall be submitted to and approved in writing by the local planning authority, showing the location of trees, shrubs and meadow habitat to be planted, hedgehog house and gaps in fences. Once approved, works shall proceed in accordance with this document and Section 4.4 of the 4 Woods Ecology report) Reason: to protect biodiversity in accordance with the Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Crime Prevention

None received

Southern Water

The submitted drawing shows (2020/02 Rev-D) 3 meters protection measures (Easement) on either side of the 225 mm Public surface water sewer is satisfactory to Southern Water.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains. 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 has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the time scales needed will require an allowance for the following which may result in an extension of the 24 month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations: Reuse/Infiltration/Watercourse/Strom sewer/Combined Sewer

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 and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Hampshire Highways

The applicant is seeking planning permission for the erection of 6 flats off Padnell Road. Access into the site is proposed via a new 4.8m wide access onto Padnell Road. Whilst no visibility splays have been provided from the access, it is noted that good visibility is afforded along Padnell Road and the access would be in-keeping with similar residential accesses in the area. This matter is therefore considered acceptable, subject to the applicant obtaining a S184 licence.

It is noted that the site will provide an under provision of on site parking spaces when compared to Havant's Parking SPD. It is also noted that the applicant has undertaken a parking survey of Padnell Road to ascertain whether there is spare on-street parking capacity. The survey confirms that on-street parking spaces are available; however, on-street parking should be discouraged wherever possible with parking retained within the site boundary. In their capacity as local parking authority, HBC should determine whether the quantum of proposed parking is considered acceptable.

The Highway Authority has no further comments to make regarding the proposed internal layout of the site.

Having reviewed the documentation submitted in support of the above planning application Highways Development Planning is satisfied that the proposal would have no detrimental impact on highway safety or operation. A recommendation of no objection would therefore be given, subject to the applicant obtaining a S184 licence to construct the site access.

Natural England

This application is supported by a nutrient budget calculation dated 13th April 2021 which calculates a positive nitrogen burden of 5.9kg/TN/yr.

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

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

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

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

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

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

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

Nutrient Team

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00024

Portsmouth Water Company

No adverse comment as low risk to groundwater quality.

The site, although located in Source Protection Zone 1c for an essential public water supply source, the underlying impermeable geology (London Clay) offers a depth of protection to the chalk aquifer. The depth to the water table in this area is estimated to be around 30-40 mbgl (metres below ground level).

The proposed drainage strategies utilise the existing main sewers in the area, this is acceptable to Portsmouth Water in relation to groundwater protection.

If piling or deep bore soakaways are proposed Portsmouth Water wish to be further consulted. The application must be accompanied by detailed plans and a risk assessment stating how risks to the underlying principal aquifer have been assessed and mitigated through design.

This should include as a minimum:

- a) the methods to be used;
- b) the design depths of the various structures involved and rationale;
- c) the density of piling/deep bore soakaways, if any; and
- d) details of materials to be removed or imported to site.

Public Spaces

None received

Traffic Management

The Traffic Team would raise the issue that there appears to be a shortfall of parking and cycle storage facilities for this development.

Waste Services Manager

None received

6 Community Involvement

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

Number of neighbour notification letters sent: 63

Number of site notices: 1 - posted by agent due to Covid restrictions

Statutory advertisement: Not applicable.

Number of representations received: 35

The third party representations all object to the proposal, raising the following issues:

Siting/Layout

development extends to rear of plot; mis-aligned with all other buildings in Padnell Road; does not respect rear building line; extends approx 10m beyond rear building line adding to impacts; undesirable backland development out of keeping with locality and policy CS16 in that it does not have proper regard to character and appearance of area; extremely close in NW corner and footings will impact existing property; gap to this NW side will restrict all access and egress to and from rear of site by emergency services and residents should main entrance become blocked;

Privacy & Outlook

will look directly into adjacent gardens and school; unobstructed views from balconies and side windows; will be overbearing by major building and balcony; siting of side elevations and windows will impact neighbours negatively; will be intrusive and invasion of privacy; rear balconies provide elevated viewing platforms into adjacent gardens and habitable rooms; 45/25 degree not been properly applied; close proximity adds to foreboding presence; size, bulk, height and position will dominate outlook from adjacent properties; will be constantly in eye line from all rear rooms and garden; will add to feeling of being constantly observed, detrimental to emotional and mental health; will affect enjoyment of garden; to maintain privacy would need to draw curtains

Daylight/Sunlight

Impacts on neighbours daylight & sunlight must be considered; due to size and location would affect neighbours light; by going beyond building line will block day/sun light to neighbours

Noise and disturbance

noise and disruption from flats eg comings and goings, music, tv etc would be detrimental to our lives and well being, especially considering proximity; additional vehicle traffic, pedestrians will add to noise pollution impacting quality of local environment contrary to section 79 of Environmental Protection Act 1990; will introduce noise and light to rear garden where previously a peaceful environment; with number of residents grounds could be used for ball games, BBQs, parties unacceptable and frequently disturbing neighbours; will affect quiet enjoyment of our property;

Out of keeping/character

Most properties in local area are semi-detached or detached houses and chalet bungalows; flats out of keeping; would be a tremendous eyesore; car park at front instead of garden would be eyesore; current dwellings predominantly houses so flats not in keeping - constant letting/for sale signs would be an associated eyesore; sheer size, bulk and unsightliness would be discordant feature in street scape, shoehorned in, detrimental to local views; does not respect local context or character;

Scale/Overdevelopment

oversized development will dominate outlook from gardens; height layout and siting is an overdevelopment; proximity of side elevations will impact neighbours negatively; dominating development; will be overbearing; excessive size and siting out of character; building and footprint dwarfs those around it; height should not be higher than properties either side; lack of outdoor space for future residents; HBC refused comparatively small extensions to dwellings resulting in acceptable building lines - this greatly exceeds; intensification of development that would be incongruous;

Loss of open space & natural habitats

land always been wild natural habitat for birds, insects & animals; including hedgehogs, foxes, bats, newts, frogs and slow worms; destruction of trees last April destroyed habitat; unrestricted movement of animals across site will be lost, contrary to Councils biodiversity plans; bats and owls frequent the established oaks to the rear of the site - additional lighting would affect nocturnal animals; wouldn't conserve green spaces; no street trees along Padnell Road as alternative to destruction of trees on site; frogs/toads/slow worms do return to previous habitation sites for generations; should be some replacement trees

Inadequacies of Ecological survey

Ecological survey was carried out after clearance of all trees and vegetation meaning all wildlife had already relocated; bats hibernate when statement was produced; their hunting site has been destroyed impacting their presence;

Highway safety & traffic

only 6 spaces provided so additional cars and visitors will have to park on road; Padnell Rad a main bus, emergency vehicle & delivery route and access to Hazleton and Cherry Tree estates; busses already struggle to pass badly parked vehicles, and emergency vehicles and bin collection vehicles; street parking will impede traffic flow, its already like driving down a chicane with cars parked both sides; street parking already affected with Nightingale Court, health centre, schools, recreation ground, and community centre which impacts traffic flows; school picking up and dropping off exacerbates local parking congestion; 6 spaces inadequate when most households have 2 cars and makes no allowance for visitors; does not meet HBC parking standards; insufficient cycle storage; opposite St Wilfred's church which causes congestion as vehicles use the church car park during services, weddings and funerals; will add to congestion and traffic fumes and queuing at the traffic lights at junction with London Road; road already at saturation point; extra road side parking will further make reversing out of existing drives difficult; safety risk to many children and parents walking to schools and nurseries; despite yellow lines cars often parked on both sides of roads and on pavements obstructing pedestrians; mobility scooter use affected/endangered by added traffic and parked cars; been previous accidents with children knocked over or knocked off bikes ear site; access to drives is hampered by parked vehicles; parking in road prevented repair/resurfacing works last year; no further development should be permitted until better road communications between existing housing and main arterial roads in the area; proposed development at end of road for 82 dwellings will add to future chaos and "rat-run"; is driveway wide enough for emergency vehicles?; surface of road already disintegrating with cracks and potholes;

Inadequacies of parking survey

Parking survey undertaken during a Sunday evening during Tier 4 restrictions when traffic flow minimal and church closed - gives no valid information re road congestion, pavement parking or buses; unrepresentative of normal activity; timing of report - most houses provide adequate off street parking - on site parking a significant problem during the working day;

Drainage

Site provides natural surface water drainage leading to Hermitage stream and its loss will lead to more local flooding; sub-soil is clay and flooding already occurs during heavy rain; building and associated hard surface constitutes about 3/4 of site curtailing surface water drainage; extra surface water and run-off from large roof will not drain due to clay soil; proposal to drain surface water to sewer is contrary to practice elsewhere; roadside storm drains are insufficient to cope; junction of Park Lane & Winscombe Avenue often flooded; no details of surface water easement provided; soakaways unsuccessful mitigation;

Sewerage

main sewer already struggles and drains sometimes overflow with raw sewage in gardens; additional 6 flats would increase severity & frequency of this problem; the Environment Agency maintain an open case as its a regular occurrence, especially during heavy rain; drains over 100 years old; health hazard to connect more homes - many homes in road have been fitted with non-return valves; additional 6 flats would place unnecessary additional burden on existing sewage system;

Overdevelopment

site suitable for one or 2 dwellings - 6 is excessive and indicates greed of developer wanting to maximise profit without any concern for impacts on local residents; contradicts guidelines for minimum densities;

Devalue house prices

Would lower the values of houses around

Noise & Vibrations during construction works

Could feel vibrations just when carried out some ground tests so major building works will be worse and detrimental to health; construction will be disruptive to residents; loss of trees on site resulted in experiencing more road noise from A3 and London Road traffic; additional light deep into plot would effect sleep patterns;

Pollution - air and light

Additional vehicles will add to particulates in air providing a health hazard to children in nearby infant and junior schools and nurseries in the church and at No.10; additional lighting will effect current dark environment at night; more congestion and fumes; light & noise pollution will extend to middle and rear of plot where currently none;

Existing Use of Site

Site is not/never was a brown field site; it is a greenfield site; contrary to Draft Local Plan vision to focus regeneration of brownfield sites;

Housing Contribution/Local Plan

modest contribution to housing needs is outweighed by other issues; not needed as HBC have met new homes targets; Local Plan identifies a need for 9260 dwellings by 2036; as of Feb 2018 surplus of 289; this site development only makes a small contribution and other larger sites eg site (H46) - Padnell Grange for 85 dwellings, indicates this site not essential in meeting the requirements of the plan; criteria of National Design Guide of Ministry of Housing of enhancing surroundings and a coherent pattern of development are not met;

Fire Regulations

note first floor windows are shown as non-opening and obscure glass - this would contravene fire regulations;

Plan/form errors

Balconies not shown on south elevation; planning forms state there are trees on site when there are not;

Precedent

Other applications for single dwellings have been refused and if granted this will lead to more;

Bins

Bins adjacent to pavement with associated smell; nowhere else on road are bins in sight or close to passing pedestrians;

Other comments

Will not contribute any additional benefits to the local community or its economy; this developer appealed for extra flat on a Romsey scheme;

7 Planning Considerations

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

- (i) Principle of development
- (ii) Housing land supply and density
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Highways, parking, cycle storage and refuse
- (vi) Drainage
- (vii) Trees and Ecology
- (viii) Compliance with Habitats Regulations

(i) Principle of development

7.2 Although the site has not been occupied by any permanent structure and had until recently been wooded for many years, it nevertheless falls within the defined urban area. Therefore, although not Previously Developed Land (PDL) as defined by the NPPF, i.e. a brown field site, it does represent a site within a settlement policy area with an associated presumption in favour of development, subject to other material considerations.

7.3 Policies CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and AL2 of the Havant Borough Local Plan (Allocations) 2014 direct development to the main urban areas of the Borough and as such the development of this site is considered appropriate in principle, subject to detailed considerations of any adverse impacts. In this case there are a number of detailed considerations appertaining to the design, siting and layout which are detailed below.

(ii) Housing land supply and density

- 7.4 The Borough's five year housing land supply was updated in February 2021. This indicates the Council has 4.2 years supply with a 20% buffer applied. This is below the five year supply threshold and as such paragraph 11d of the NPPF applies. This does not follow that there is a tilted balance in favour of permission being granted – permission can be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.5 The proposal would result in the provision of 6 residential units and it is recognised that the development would therefore make a contribution towards the Council's housing need. Given the limited scale of development this contribution would be relatively modest and would make an undiscernible contribution to housing land supply in the context of the overall planning balance.
- 7.6 In terms of densities, the provision of 6 flats on a site comprising 0.107 ha results in a density of 56 dpha. The NPPF supports development that optimises the use of land and emerging policy H3 in the Submission Havant Borough Local Plan, 2021 specifically seeks to maximise residential development's contribution to housing need by identifying minimum densities for differing accessible areas. This site would fall within clause c) under this emerging H3 policy with a minimum density of 40 dph sought. The proposal therefore meets this aim and can be considered to make efficient use of the site.

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

- 7.7 The site is located within an urban area predominately characterised by detached chalet style and two storey dwellings set in a linear arrangement. In street scene terms, the height and two storey scale of the proposed front, north elevation, would represent a logical infill between the adjacent chalet bungalow at number 32 and the two storey semi-detached dwelling at number 26. The proposed ridge line would match number 26 and the use of hipped roof would minimise visual bulk to the street scene.
- 7.8 Separation to number 32 benefits from a Southern Water easement, but to number 26 is only some 0.5m. However in visual terms number 26 only has single storey development to the shared boundary so the two-storey to two-storey separation would be some 4.5m. This upper level and roof line sense of space, skyline and separation between properties is considered comparable to other spacings in the vicinity and appropriate to the spatial characteristics of the area.
- 7.9 Therefore, in pure front elevation terms alone, the height, scale and design of the proposal is considered visually appropriate and compatible with the character of the area. However, in terms of footprint, with a depth of 24.5m, the proposed building would be much larger and deeper than others on the south side of Padnell Road. Its siting on the plot would encroach far beyond the established rear building line of properties on this side of the road and would be of an uncharacteristic depth and scale, not in keeping with the pattern of development in the vicinity. Additionally it is noted that the extensive hard surfacing to provide frontage parking to serve a flat scheme would also be out of character with the area - even Nightingale Lodge and the church opposite have rear car parks and retain landscaped frontages. The layout and siting of the proposed flat scheme is considered to be at variance with the layout of linear residential dwellings in the area and would be harmful to the visual characteristics of the area.

- 7.10 Whilst the scale of footprint of Nightingale Lodge and St Wilfreds church opposite are noted, these are staggered away from their respective shared boundaries with residential neighbours. The planning histories and merits of these developments (the church and vicarage would have been part of the historic settlement of the area) are not considered relevant to the current application which must be considered on its own merit.
- 7.11 Furthermore, oblique views of the long side elevations would also be possible from the public street scene, exacerbating the sense of size and scale of the proposed development. Overall, it is considered that due to the excessive footprint size, depth of building proposed, siting and layout within the plot, the proposed development would not be in keeping with the pattern and character of the south side of Padnell Road. Policy CS16 requires developments to respect local context and clause c) specifically requires, amongst other issues, that existing building lines and depths are used to inform designs. Emerging policy E1 of the Submission Havant Borough Local Plan, 2021 continues the requirement to consider characteristics such as building lines and depth, and the proposal would therefore remain contrary to this emerging policy. It is considered that the proposed development fails to respect that pattern of local development and would be contrary to adopted policy CS16 and emerging policy E1.

(iv) Impact upon residential amenity

- 7.12 Due to the size and design of the development and its siting within the plot, it is considered that the impact on the immediate neighbours would be harmful. The presence of a two storey building extending some 13 to 14m beyond the rear elevations of numbers 26 and 32 would undoubtedly be detrimental to their outlook and enjoyment of both their main habitable rooms and gardens. The introduction of such a large development would have a dominant and overbearing effect on the amenities of neighbours. The structure would be clearly visible from several gardens along in both directions and its significant bulk an incongruous feature in private rear outlooks.
- 7.13 In terms of overshadowing from the proposed building, shading diagrams are provided within the submitted Design & Access Statement for the spring equinox. Due to the orientation of the site, the greatest impact and overshadowing would be early morning to number 26 and late afternoon to number 32. It is the significant loss of late afternoon sun to number 32's private sitting out area and main habitable windows in their rear elevation that is considered harmful to the current enjoyment of their outdoor space. This overshadowing and loss of sunlight during the late afternoon and early evening would be harmful to the amenity of the occupiers of number 32.
- 7.14 Both numbers 26 and 32 have private sitting out areas to the immediate rear of their properties and the proposed first floor side windows would have a direct line of sight into those private gardens, as well as down into the orangery/lantern light of number 26 and side dormer of number 32. Whilst it is noted that the proposed first floor side windows are offered as obscure glazed with only fan light openable, nevertheless their sheer presence would lead to a perception of continual overlooking and loss of privacy.

7.15 Furthermore, the proposal includes 2 rear first floor balconies. These are each proposed with a depth of 1.5m so large enough for small table and chairs. Side screens are inconsistently proposed on the elevation drawings and would not adequately mitigate the harm from the use of the balconies. The use of these balconies, at first floor level, sited approximately half way down the neighbours rear gardens, would introduce a level of noise and disturbance with potential for overlooking within a previously quiet and private area. Furthermore the comings and goings associated with 6 flats, and in particular the location of the main entrance serving 5 of the flats on the east side, adjacent the rear of number 32, would result in an intensification of use and disturbance to the otherwise quiet enjoyment of number 32. This entrance would need to be lit and the activity and light associated with comings and goings at all times of the day and night would be intrusive. This introduction of disturbance and loss of privacy would be harmful to neighbouring amenity.

7.16 Overall the proposed development is considered to have a detrimental and harmful impact on neighbours amenity from loss of outlook, overshadowing (to number 32), loss of privacy, and noise and disturbance, contrary to adopted policy CS16, in particular clause e) and emerging policy E1 clause vi).

(v) Highways, parking, cycle storage and refuse

7.17 Hampshire Highways have not objected to the provision of a new 4.8m wide access to serve the proposed development on this unclassified road, being satisfied that adequate visibility splays would exist. There is therefore no highway safety objection to the proposed new access and its use.

7.18 However the on site parking provision falls below that required by the adopted Parking SPD, 2016. Table 4A of this document sets out allocated parking requirement and for the proposed 2No 2 bed units and 4No 1 bed units, 8 on site spaces would be required to serve the development. However if the spaces were unallocated, then table 4B applies and the requirement would be 6.2 spaces. In addition table 4D sets out the cycle storage requirement which would equate to 8 long stay, secure spaces.

7.19 The proposed layout provides 6 on site parking spaces and one twin cycle locker ie for 2 bikes. The application is supported by a Transport Statement which includes a parking survey undertaken at 22.00 on Sunday 6/12/20 and 22.00 on Wednesday 9/12/20.

7.20 Overwhelmingly the 35 letters of objection all refer to the lack of on street parking due to the sites context near schools, nurseries, the health centre, opposite the church etc and the fact that Padnell Road is a busy through road and bus route. Local residents evidence parked cars in Padnell Road at busy times of the day, especially school drop off and collection times and church services/events. These parked vehicles and buses at the nearby bus stops allegedly then affect the flow of traffic.

- 7.21 Whilst the shortfall of on-site parking is minimal if based on unallocated parking, nevertheless the lack of any drop off, servicing, visitor space to serve the development is concerning. Realistically delivery vehicles will frequently need to stop at the site to serve future residents. The parking survey to justify the shortfall was undertaken during the Covid pandemic when Tier restrictions were in place limiting normal traffic movements. The submitted survey does not meet the guidelines set out in paragraph 4.33 of the Parking SPD which requires surveys to be carried out over a whole week at a variety of times throughout the day. By omitting the peak daytime demand times the results are not considered representative of the parking conditions in the vicinity of the site.
- 7.22 The under provision of on site parking spaces is considered to lead to increased demand for on street spaces which has not adequately been demonstrated to be available. Such increased pressure for overflow on street parking would be harmful to the highway amenity and flow of traffic in Padnell Road, contrary to policy DM13. Additionally there is a shortfall of secure cycle storage proposed with only 2 bike spaces provided instead of 8. It is however accepted that the site is of adequate size to provide a secure shed for 8 bikes in the rear garden area and if permission had been recommended then this matter could be subject to condition.
- 7.23 With respect to refuse collection provision, the current siting of the bin store, next to the road, would be both unsightly and prominent in the street scene, and has been noted by Building Inspectors to exceed the distance for residents to travel of 30m. If permission had been recommended these matters would have been subject to negotiation and amendment.

(vi) Drainage

- 7.24 Southern Water have indicated that the additional foul sewerage flows from the proposed development may lead to increased risk of flooding from the sewer network. This is endorsed by third party comments that also refer to inadequate sewerage system that overflows.
- 7.25 Southern Water have confirmed they would provide any network reinforcements to mitigate the problem but the timing of delivery would need to align with the proposed occupation (should permission be granted). To take account of time to monitor, design, construct and deliver, any network reinforcements could take up to 24 months from any planning consent and therefore Southern Water request that occupation is conditioned to be phased to align with delivery of sewerage network improvements.
- 7.26 Since such infrastructure works are outside the application site and applicants control, this would be a matter for a Grampian style condition if permission were granted. However the lack of adequate drainage infrastructure to serve the proposed development would not be a direct reason for refusal.

(vii) Trees and Ecology

- 7.27 As noted by third parties the site has been cleared of previous trees and vegetation, destroying any wildlife it once supported. Whilst this is regrettable, the trees were not protected by any Tree Preservation Order and no breach of planning legislation has occurred. The proposed development is sufficiently distanced from the TPO'd trees to the rear of the site to have no adverse impact on their health.

- 7.28 The application is supported by an Ecological Assessment which notes the current lack of nature conservation features but recommends mitigation measures of avoiding illuminating the trees to the rear and care in removal of debris re potential hedgehogs on the site. It goes on to recommend ecological enhancements are provided with native planting, bat and bird nest boxes and provision of hedgehog highways in the boundary fences. Had permission been recommended then provision of these enhancements could be conditioned.

(viii) Compliance with Habitats Regulations

- 7.29 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 of 6 new residential units.
- 7.30 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.
- 7.31 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £2,635.40 to address the potential recreational harm from the new development. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against.
- 7.32 With respect to the water quality issue and the Councils updated Position Statement, August 2020, the applicant has been able to enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. During the course of resolving this issue Natural England advised that for the purposes of the nitrogen budget the existing land use should be classified as greenspace, and corrected a rounding error in the nitrogen budget submission. The agent co-operated with the need for addendum and uplift payments and Unilateral Undertakings. As a result, correct signed Unilateral Undertaking has been received, together with the appropriate total contribution of £7,344.90 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, if permission were being recommended it would be necessary to add 2 conditions.
- 7.33 The Appropriate Assessment concluded that these mitigation packages are sufficient to remove the significant effects on the 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 and raise no further objection. The monies are refundable in the event of a dismissed appeal and the applicant has chosen to resolve these matters at this stage, despite the recommendation of refusal. This will ease any appeal process.

8 Conclusion

- 8.1 In conclusion, it is acknowledged that the development would be of an appropriate density to make efficient use of the land; would make a relatively modest contribution to housing land supply and has assessed and removed the significant effect on the European Sites in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). However the scale and depth of the building proposed, its siting and design would be out of character with the pattern of development in the area and have an adverse impact on neighbouring residential amenity. Additionally the lack of adequate on site parking would lead to pressure for on street parking which has not been demonstrated to be available at peak times and would harm highway amenity. The adverse impacts from the development are considered to significantly and demonstrably outweigh the benefits, and as such the proposal is recommended for refusal.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/00024 for the following reasons

- 1 The proposed development, by reason of its footprint size, depth and siting, would be not be in keeping with the pattern and character of linear development on the south side of Padnell Road, and would fail to respect building lines and depths. The layout including frontage car park would be out of keeping with the area and visually harmful to the street scene. The proposal is considered to be at variance with the local context and contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy E1 of the Havant Borough Local Plan Submission version, Havant Borough Council Borough Design Guide SPD 2011 and National Planning Policy Framework.
- 2 The proposed development, due to its excessive depth, siting and design including first floor side windows and rear balconies, adjacent to existing residential property, would have an overbearing and dominant effect, harmful to neighbours amenity from loss of outlook, overshadowing (to number 32) and loss of privacy. The noise and disturbance from increased activity associated with comings and goings and use of balconies would be intrusive and harmful to the quiet enjoyment of neighbours amenity. The proposal is considered harmful to residential amenity, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy E1 of the Havant Borough Local Plan Submission version Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

- 3 The under provision of on-site parking spaces would lead to an increased demand for on-street parking which has not been adequately demonstrated to be available at peak times. The increased pressure for parking on the public highway would be harmful to highway amenity and further interrupt the free flow of traffic in Padnell Road, contrary to adopted policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy IN3 of the Havant Borough Local Plan Submission version and the National Planning Policy Framework.