
Site Address:	1 Rockbourne Close, Havant, PO9 4BE		
Proposal:	Conversion of existing property to form 1No.2 bedroom dwelling and 1No.1 bedroom dwelling (revised description 17.03.21)		
Application No:	APP/20/01130	Expiry Date:	02/02/2021
Applicant:	Mr Price		
Agent:	Mr C Flint	Case Officer:	Jane Burton
	Chris Flint Ass Ltd		
Ward:	Barncroft		

Recommendation: **GRANT PERMISSION**

1 Site Description

1 Rockbourne Close is an end of terrace corner property constructed of yellow brick with a pitched tiled roof and porch to the front. The property has been extended by a part 2 storey/part single storey extension to form an annex to the east side of the property, and by a single storey extension to the rear. The layout and position of the annex extension has created two physically separated outdoor amenity areas - a larger side garden to the east bounded by a hedge, and smaller paved amenity area to the rear of the original house with part wall/part fencing to the boundaries. Part of front boundary has a low boundary wall and small front garden (the original house). Vehicular parking is on street in a shared parking area adjacent to the path to the front of the site. The area is residential with terraced properties of a similar age and design.

2 Planning History

01/57014/003 - Two storey and single storey extension to west elevation to form granny annex., PERMITTED 23/01/2002

Note:

Condition 3: The accommodation hereby permitted shall be occupied solely for the purposes incidental to the occupation and enjoyment of the existing dwelling and shall not be sold off, sub let or used as a separate unit of accommodation. Reason: The unit of accommodation has insufficient amenity space to be occupied separately from the main dwelling.

97/57014/002 - Rear single storey extension, PERMITTED 23/07/1997

92/57014/001 - Retrospective application for garage PERMITTED

3 Proposal

The proposal is the conversion of the existing 4 bedroomed property to form 1No. 2 bedroom dwelling and 1No. 1 bedroom dwelling. The proposed units are referred to on the submitted plans (and within this report forthwith) as house 1 (west side), and house 1A (east side). Unit 1A is the original dwelling. A stairwell and external entrance door would be added to unit 1 to facilitate the separation/separate access points. In terms of external changes the application proposes a new porch to house

1.- attached to the existing porch on the property, and a low brick wall between the properties to the front. A rear first floor window would be added to the proposed house 1 to serve a bathroom, and a ground floor window rear window blocked up. Refuse stores, and cycle stores are shown for both proposed units on the layout plans.

The original scheme consisted of 2 x 2 bedroomed dwellings; however unit 1A was considered to have insufficient amenity space for a two bedroomed dwelling. In response to this assessment, the applicant submitted revised plans showing an altered internal layout with one bedroom only to unit 1A. In addition, the internal layout has been altered so that some floorspace has been reassigned from unit 1A to unit 1 to allow for a larger bathroom at unit 1, as the original layout consisted of a room large enough for a shower room only at unit 1.

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)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

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)

Submission Version Havant Local Plan

E1*	(High quality design)
H1*	(High quality new homes)
E14	(The Local Ecological Network)
EX1	(EX1 Water Quality impact on the Solent European Sites)

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

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No comments

Community Infrastructure, Planning Policy & Urban Design

This application is not CIL liable because it is a sub-division of an existing dwelling, and the proposed addition of a front porch is less than 100sqm.

However, 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 one additional dwellings 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>

Councillor Pamela Crellin - Barncroft

No comments received.

Councillor Yvonne Weeks - Barncroft

No comments received.

Crime Prevention -Minor Apps

No response received.

Natural England Government Team

No objection subject to mitigation.

Comments:

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

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

Solent Recreation Mitigation Strategy

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

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

Deterioration of the water environment

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

Please note the calculation is based on all wastewater from the development being treated at 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, Planning Policy

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/01130.

Public Spaces

No response received

Waste Services Manager

No response received

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity and the living conditions of future occupiers of the site
- (iv) Highways and parking
- (v) Developer contributions and other matters

(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. The updated National Planning Policy Framework (NPPF) continues to have a presumption in favour of sustainable development whilst noting that good design is a key aspect of sustainable development. It is noted that the Council's Housing Land Supply update as of December 2020 indicates that the Council cannot currently demonstrate a five year housing land supply. The proposal would lead to one net additional unit, which would make a very modest contribution to the housing land supply.

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

The proposal would result in some physical changes to the front of the building, however the proposed porch is in keeping with the existing design and the widths of the proposed properties are considered to be appropriate to the street scene. Thus there is not considered to be harm caused by the subdivision to the appearance of the building in the street scene. There are no changes shown to the existing side garden area or boundary treatment consisting of hedging. The amenity space of the proposed no.1A is constrained, and small in size. Whilst there is some variety in garden shapes and sizes in the estate area, the size and depth of the proposed garden to 1A is not considered to be consistent with those in the vicinity. However in this instance there is no physical change to land areas given that the separation of the outdoor space has already occurred as a result of the previous extension to create a side annex. Thus, whilst the small amenity size of the proposed unit 1A is not considered to be characteristic of the area; - in the officers view due to the particular circumstances in this site where the separation of amenity space has already occurred, there is not considered to be sufficient justification to refuse the application

on grounds of harm to the character and appearance of the area in this instance.

Overall it is not considered that the proposed would result in unacceptable harm to the character of the building or the area having regard to policy CS16 of the HBLP (Core Strategy) and emerging policy E1.

(iii) Impact upon residential amenity and the living conditions of future occupiers of the site

No.11 Linkenholt Way is the adjacent property to the south, and No.2 Rockbourne Close is the adjoining property to the west. The side boundary of no.11 Linkenholt Way is approximately 6m from the main rear elevation of no.1 Rockbourne Close - an existing relationship and an existing amenity space. There is a new window proposed to the first floor rear of the property to the rear to serve a bathroom, and it is recommended that all rear facing bathroom windows are conditioned to be obscure glazed only to avoid loss of privacy/overlooking into the garden of no.11 Linkenholt Way. The external changes are not considered to have an unacceptable impact on no.2 Rockbourne Close given the relationships. Overall the proposal is not considered to have an unacceptable impact on neighbouring properties.

The proposed units would have a gross internal area (GIA) which is acceptable for the size of units proposed having regard to the DCLG Nationally Described Space Standards. The outdoor amenity areas both exist and already have boundary fencing. The amenity space of the proposed unit 1 is satisfactory in size and is bounded by hedging to provide privacy. Concern was raised about the size of the private amenity space to the proposed unit 1A originally proposed as a 2 bedroomed dwelling. It is noted that a condition was placed on the planning permission granted under ref.01/57014/003 for a side annex restricting the subdivision of the property due to there being considered to be insufficient amenity space for a separation. In response to the assessment given by the case officer, the applicant has revised the proposal by reducing the number of bedrooms proposed in the layout of unit A1 to one larger bedroom only now being proposed, instead of two, and one larger bathroom. Some first floor floorspace has been reassigned from proposed unit 1 to unit 1A to provide additional upstairs floorspace to the 2 bedroomed unit which originally had a small bathroom. Whilst it is acknowledged that unit 1A does not meet the recommended depth contained in the Councils SPD and is very small in size; the applicant has demonstrated that a cycle store, small (bistro) outdoor seating area, clothes drying area is (just) achievable in terms of functionality. In the officers view, for a one bedroom property it is not now considered that there would be sufficient justification to refuse the application on grounds of insufficient amenity space if this is the only reason for refusal. The acceptability is however acknowledged to be reliant on the property being one-bedroomed only, as this amount of amenity space is not considered adequate for a larger/family sized dwelling. Thus it is considered necessary to attach a condition if planning permission is granted that the internal layout is as shown on the proposed plans is implemented, and is retained as such in perpetuity. The applicant has agreed to attaching of this condition and the description of development has been amended to reflect the amended number of bedrooms.

Due to the layout, the proposed rear first floor bathroom window of unit 1 would be adjacent to the amenity space of no.1A. To avoid any unacceptable overlooking/loss of privacy to the amenity space of the proposed unit 1A it is recommended that a condition is attached that this window is obscure glazed and non-opening up to 1.7m above finished floor level only.

Given the proximity of the dwellings to the rear boundary, that no further expansion of the floorspace of 1A would be acceptable, and given that future alterations to unit 1 could have an unacceptable impact on unit 1A, -it is recommended that a condition is attached that permitted development rights are removed for both properties for extensions and alterations. For unit 1A it is also recommended that there is a restriction on any further outbuildings being erected given the size of amenity space.

Subject to conditions, overall the proposal is not considered to result in an unacceptable impact on the living conditions of existing or future residents having regard to policy CS16, and emerging policy H1 and E1.

(iv) Highways and parking provision

Due to the parking layout in this part of Rockbourne Close the property is reliant on on-street parking for day to day parking. The proposal would not result in additional parking requirements when assessed against the Council's SPD compared to the current dwelling and thus the proposal is considered to be acceptable having regard to policy DM13 of the HBLP CS. Cycle storage facilities are indicated on the proposed plans.

(v) Developer contributions and other matters

The application has also been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to one additional unit of accommodation, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The development is not necessary for the management of the European sites.

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 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. 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 application submission indicated a willingness to enter into a legal agreement to secure the mitigation packages, and the contributions and deeds in respect to both requirements have now been received.

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. As such, given the securing of appropriate mitigation packages, and subject to condition being attached to secure that the additional dwelling (marked 'house 1') shall not be occupied until the Building Regulations Optional requirement of

a maximum water use of 110 Litres per person per day, the proposal is considered to be acceptable having regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the HBC (CS) 2011, Policy DM24 of the HBC LP (Allocations) and emerging policies E14, EX1 and E12.

8 **Conclusion**

- 8.1 The development is considered to be acceptable having regard to the policies of the development plan and other material considerations. It is therefore recommended that planning permission is granted subject to conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01130 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:

Drawing No.01 Revision 06 (Location Plan, Block Plan, Proposed Plans and Elevations)

Reason: - To ensure provision of a satisfactory development.
- 3 The external materials used, including works to make good, shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The internal layout of the development hereby permitted shall be carried out and retained in perpetuity in strict accordance with that shown on the approved plans.
Reason: To ensure sufficient quality living conditions and amenity space for the future occupants of the units and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy H1 and E1 of the Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.
- 5 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the development hereby permitted the 3 x windows in the first floor on the rear

elevation facing south shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter. The first floor window on the rear elevation facing south that serves a bathroom to the dwelling marked 'house 1' on the approved dwellings shall also be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights.

Reason: In the interests of the amenities of the occupiers of nearby properties, and in the interests of the living conditions of the future occupier of house 1A having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation for the dwelling marked 'house 1' on the approved drawings 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.

7 At all times following occupation of the dwelling marked 'house 1' on the approved drawings, all measures necessary to meet the approved water efficiency calculation for the dwelling shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the new dwelling 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.

- 8 The cycle storage sheds shown on the approved plans to serve the development hereby permitted shall be installed and made fully available for use prior to the development being first brought into use and retained and maintained thereafter.

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.

- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension or building alteration, including to the roof, shall be constructed to the dwelling marked 'house 1' or to the dwelling marked as 'house 1A' on the approved drawings. No further outbuildings shall be erected within the curtilage of the dwelling marked 'house 1A' on the approved drawings.

Reason: In the interests of the amenities of neighbouring properties and to and to ensure sufficient quality living conditions and amenity space for the future occupants of the units and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy H1 and E1 of the Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.