
Site Address:	Land off Elizabeth Road, adj 118 Stakes Hill Road, Waterlooville, PO7 7LS		
Proposal:	Construction of 2No 3 bedroom dwellings with parking.		
Application No:	APP/20/01043	Expiry Date:	14/01/2021
Applicant:	Mr J Bradwell East Pallant Development		
Agent:	Mr M Wilkes M2 Architecture	Case Officer:	Jane Burton
Ward:	Stakes		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is a corner plot situated within the settlement boundary for Waterlooville in an established residential area to the north of Elizabeth Road, Waterlooville. The site is currently a vacant piece of land of approx. area of 0.066ha (0.16 acres). The site is bounded to the north east by Stakes Hill Road, Elizabeth Road to the south east, Orsmond Close to the south west and 118 Stakes Hill Road to the north west, which is a Building of Local interest, set within spacious gardens. The site falls from Orsmond Close towards Stakes Hill Road. The boundaries are currently a mix of timber fencing to the north east boundary and post and wire to the remaining. The site has a silver birch tree which is subject to a Tree Preservation Order. The surrounding development area to the site is residential with a mix of detached /semi-detached houses, flats and bungalows.

2 Planning History

APP/20/00618 - Erection of 4No 2 bed flats with parking REFUSED -15/10/2020
Refused for the following reasons:

1. The proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious character. Furthermore when viewed alongside the adjoining buildings on all sides of the site, with particular regard to the Building of Local Interest to the north of the site, the proposed development would not integrate with, or respond positively to, the character and appearance of the surrounding area in terms of design, layout or scale. In addition the layout of the development would threaten the retention and longevity of the Birch Tree on the site, which is subject to a Tree Preservation Order. As such the development would conflict with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.

2. In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas due to the increase in recreation as a result of the development, and so is contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017

3 Proposal

The proposal is to construct 2 new semidetached, 3-bedroom dwellings with off road parking for 6 vehicles. The building would be a pitched roof construction, approximately 9m in height, 5.4m to the eaves, with the front elevation facing south west (towards Orsmond Close). The layout would incorporate parking to the front and access to the site would be via a new vehicular access from Orsmond Close, with additional pedestrian access from Elizabeth Road. The building would be positioned approximately 10m from the boundary to Stakes Hill Road, approximately 24m to the boundary to Orsmond Close, approximately 1m to the north west boundary and approximately 1-1.5m to the boundary to Elizabeth Road. Landscaping with new hedging and trees and boundary treatment is indicated on the site plan.

The dwellings would have a kitchen, study, lounge/diner to the ground floor, 2 bedrooms and a bathroom to the first floor, a bedroom and ensuite within the roofspace and amenity space to the rear. The dwellings would have a floor space of 129.46m² per dwelling in line with the Nationally Described Space Standards - Technical Housing Standards (6 person 3-bed dwelling).

The materials are stated to be facing brick with feature brick quoins and bonding courses, concrete tiles to the roof. Full details have not been submitted at this stage.

The scheme has been amended during the course of the application process following officer/consultee concerns as follows:

- Rear dormers omitted and replaced with 4 x roof lights (2 per dwelling)
- Front dormer roofs altered to have a hipped roof design rather than gable.
- A wall with fencing panels to the rear garden boundaries instead of fence only.
- An updated Tree Protection Plan and Arboricultural Implications Assessment (AIA) clarifying that no works will take place within the RPA of the TPO tree on the site, and providing further information about the protection of the hedge/trees to the north of the site.
- The site plan indicates a weekly collection point for bins close to the site entrance.

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

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| 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) |

CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
IN1	(Effective provision of infrastructure)
IN5	(Future management and Management Plans)
H1*	(High quality new homes)
E13	(Historic environment and heritage asset)
H3*	(Housing density)
H4*	(Housing mix)
E12	(Low carbon design)
E15	(Protected species)
E16	(Solent Special Protection Areas)
E17	(Solent Wader and Brent Goose feeding and roosting sites)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Intial response:

It would appear from the plan provided that the on-site Birch is now accommodated into the scheme and adequately protected, however the following paragraph lifted directly from the Arb report is contradictory - in that on one hand it states no development in the RPA and then discusses something being done by hand under arboricultural supervision?

"The site has one Silver Birch T1 with a Tree Preservation Order and neighboring mixed hedging H1 mainly Hawthorn, Ash, and Conifer. The TPP includes provisions to erect BS5837:2012 protective fencing around the T1 Silver Birch during construction. The protective fencing will remain in place during the whole construction period. There will be no construction within the root protection area (RPA) of T1. This will be done under arboricultural supervision by hand only. The area alongside H1 hedge will be grassed only. The building foundations are to be constructed as a pile and beam system this will minimize damage to possible roots from H1 Hedge."

In addition to this there is potential for impact on the adjacent trees/hedge, and I would like to see further information provided to ensure that the proposed development doesn't impact on these negatively.

Further response: (following receipt of updated Tree Protection Plan (TPP) (received 05.02.21) and Arboricultural Implications Assessment (AIA) (received 09.02.21))

No objection subject to condition to ensure works comply with AMS and TPP - to include a pre commencement site meeting for the Arb Consultant and Site Manager along with Arb supervision for the construction / preparation in relation to the hedge. This should be documented and submitted with photos for sign off and compliance.

Building Control, Havant Borough Council

1) The bin storage to plot 1 should be within 25m of the waste collection point to comply with Requirement H6.

Community Infrastructure, Planning Policy & Urban Design

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 net additional dwellings and their 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 subject to agreement of materials by submission of samples.

Comments:

The site comprises an area of land located on the corner of Elizabeth Road and Stakes Hill Road. No. 116 and 118 Stakes Hill Road are a pair of flint cottages which have local historic interest and are included on the list of Building of Local Interest (BoLI). They are therefore classed as non-designated heritage assets.

The previous application (APP/20/00618) was for 4no. 2 bed flats with a modern design approach. This application was refused on design grounds, making reference to the buildings of local interest in the reason for refusal. Concern was raised on heritage grounds about the impact on the setting on the BoLI, by virtue of the layout of the proposal, close to the boundary of the northern boundary of the site, which would require the removal of the trees and hedging which contribute to the setting of the BoLI.

The revised scheme proposes a pair of 3no. dwellings with a more traditional design approach including quoin detailing and brick string courses and brick and tile materials. They would be accessed from a driveway located to the south of the dwellings which also includes the parking area. The trees located close to, but within the boundary of No. 118 Stakes Hill Road are shown on the plan as remaining in situ. If these are retained, it will assist to maintain the existing level of screening between the two sites. It would appear from a response from the Council's Arb team that the trees can be retained. New planting is proposed on the Stakes Hill Road elevation which will contribute to the verdant character of this corner site.

Overall the fresh design approach to propose a pair of traditional style dwellings, instead of modern flats, is considered to be less harmful to the setting of the adjacent heritage assets and overcomes the previous concerns from a heritage perspective. I would ask that if permission is granted, that a condition is included to request material samples to be provided and agreed prior to above ground construction.

Councillor Diana Patrick

Clarification was sought from and provided by officers as to the process by which the application would be determined

Councillor Dianne Lloyd

No comments received

Councillor S Milne

No comments received

Crime Prevention -Minor Apps

No comments received

Developer Services, Southern Water

No objection raised. Comments forwarded to applicant.

Environment Agency

No comments received

Hampshire Highways

No objection subject to condition re construction of access.

Landscape Team, Havant Borough Council

Original submission:

- We have concerns with the impact of the landscape character of Stakes Hill Road and Elizabeth Road as a result of the 1.8m high close board fence. A tall fence fronting the highway does not conform to the current vernacular which has a prominence of low level fencing and hedging. The proposed street view drawing suggests a hedge to be planted in front of the fence which would mitigate the effect. We would want to see the hedge fronting the whole on both Elizabeth Road and Stakes Hill Road. Additionally a site of such visual prominence to a busy road and junction would require a higher spec of boundary treatment i.e. brick wall or brick and fence.
- It is noted that the tree protection plan and arb impact assessment does not include the existing trees which are on the south east boundary of 118. Clarity on any potential impact to off site needs to be addressed as any subsequent loss of trees could be detrimental to the landscape character.
- The current parking area is deemed to be poorly laid out with vehicles parking directly in front of unit 1. Furthermore 6 no. parking bays for 2 no. 3 bed houses seem excessive I would have thought 2 parking bays per house would suffice. Has the option to utilise geocell within the RPA been explored? This would mitigate the compaction of roots and allow vehicles to pass within the RPA of the TPO tree. This would allow the parking area to be laid out in a simpler manner with parking bays along the Elizabeth aspect (a continuation of bays 1 and 2). By using the available area in a more particle way it could reduce the space needed for the parking area and provide the opportunity to integrate front gardens for both properties.

- We require further details to be submitted in relation to the proposed building materials specification, at present the information provided on the elevation drawing is insufficient. We require full product specification on all materials which must include colour, manufacturer and an image of the product. For clarity the elevation drawings should be rendered to portray the proposed colour and details of the building façade.

Natural England Government Team

No objection subject to mitigation being secured and imposition of a planning condition 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.

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. 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.

Nutrient Team, Planning Policy

I can confirm that there is sufficient capacity in the Council's strategic mitigation scheme for this development.

Portsmouth Water Company

Portsmouth Water would not object to the proposed development in principle, however due to the sensitivity of the groundwater environment we would wish to be further consulted on the drainage and foundation designs.

Public Spaces

No comments received.

Waste Services Manager

No comments received.

HCC Ecologist**No objection subject to conditions re. Control of external lighting and provision of biodiversity gain in the form of integral bat or bird boxes.**

The application is not accompanied by any ecological information and I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The site comprises a recently-cleared plot formerly containing dense scrub but now containing essentially bare ground with some ruderal vegetation.

The site itself is not likely, in its current condition, to be of significant ecological value. In the absence of significant vegetation cover, and set within a densely-developed context, there are unlikely to be any opportunities for protected or notable species such as nesting birds, and the site is not likely to support common reptile populations. The issue of bats has been raised by a local resident, referring to ongoing bat surveys associated with an adjacent dwelling. I would not consider the application site to offer roosting potential for bats and, due to its small size and lack of significant vegetation cover, the site is also unlikely to comprise a significant resource for foraging bats roosting within surrounding buildings. That said, the trees to be retained at the site's northern boundary do offer suitable habitat for flying bats and the proposed development may impact these trees through increased artificial lighting.

Whilst I would not raise any overriding concerns in relation to ecological matters, the issue of lighting needs to be discussed and the new dwellings provide an opportunity for biodiversity net gain in the form of integral bat or bird boxes.

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: 54

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 6

Summary:

6 representations objecting to the proposals were received based on the original submission. The grounds of objection are summarised below:

- Adverse impact on safety and free flow of the highway network through additional traffic
- Development of family housing is not suitable on this plot due to the dangerous junction of Stakes Hill and Elizabeth and will worsen existing highway safety
- Parking is a significant issue in the area, particularly for on-street parking, this development will make problems worse for residents
- Ongoing bat investigations/surveys on the adjacent site (no.118 Stakes Hill Road) means that no decision should be made on the application until completed/the application should be refused.
- The 3 storey height is out of character with the area and will dwarf/tower over neighbouring dwellings.
- Adverse impact on the character of the area.
- Adverse impact on a locally listed building
- Adverse impact on natural light and privacy to neighbouring property

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
- (iv) Impact on highways and parking
- (v) Impact on trees
- (vi) Drainage and Impact on Source Protection Zone
- (vii) Ecology considerations
- (viii) Developer contributions

(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) 2019 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 Five Year Housing Land Supply update indicates that the Council cannot currently demonstrate a five year housing land supply. Paragraph 11(d)ii of the NPPF carries the presumption that, where the presumption applies planning permission should be granted unless there are adverse impacts which would significantly and demonstrably outweigh its benefits. The proposal would provide two additional units which would make a contribution, albeit a very modest one to the housing supply. This benefit should be given some consideration in the planning balance.

The planning decision should be made in accordance with the development plan having regard to other material considerations. It should also be noted that the Council has its emerging Pre-Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers.

The site is in within walking distance of the amenities of Waterlooville and bus routes thus considered to be in a sustainable location and could make use of a currently underused piece of land within an urban area.

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

The site is located in a largely established residential area. As noted in the previous officers report the immediate and surrounding properties along Stakes Hill Road predominantly retain their original characteristics which consist of plots one deep that front the road and many retain their substantial rear gardens creating a spacious environment, including 118 Stakes Hill Road, which is a Building of Local Interest adjacent to the application site. Mature trees and hedging provide a soft edge to no.118, and to the opposite corner of Elizabeth Road/Stakes Hill Road there are tall trees to the front of residential properties. The site is in a highly visible location on the corner.

Unlike the previous refused application the proposed scheme is a traditional form building of pitched roof design. The building would be approximately 9m high, although there would be some variation in height above ground due to level changes from Elizabeth Road to Stakes Hill Road and due to the gradient of Stakes Hill Road. There are three floors, however the second floor is within the roof space. The building design is considered to have some similarities with the design of semi-detached dwellings in Orsmond Close. The building would be set back from the Stakes Hill Road boundary by approximately 10m, and by approximately 14m at 2 storey height, which is considered to broadly align with the set back of properties in the vicinity. In the context of predominantly two storey suburban houses, or less, concern was raised by the officer about the adding of roof dormers that would add mass at roof height, and give vertical emphasis, - particularly in the Stakes Hill Road context. In response to this the applicant has amended the scheme to remove the rear dormers replacing with roof windows and has amended the design of the roof dormers to the front of the building to be hipped rather than gabled, reducing mass and prominence. Further to this it is considered that the proposal would effectively respond to the local context in terms of height, scale, and design of buildings in the surrounding streets, as viewed from public vantage points. The proposed materials are considered to be acceptable in principle subject to full details/samples being agreed by condition.

The proposed building would be adjacent to the site of the locally listed cottages no.118/116 Stakes Hill Road and the impact on the setting was referred to in the previous application's reason for refusal. Whilst not in close proximity to the cottages building, the proposed building would be in close proximity of the mature landscaped gardens which form an important part of the setting of this heritage asset. Further information has been received during the course of the application process such that HBC tree officer is now satisfied that the high mixed hedging in proximity of the boundary can be adequately protected, in part due to the proposal to use of a pile and beam foundation specified in the AIA and TPP. The mature trees and hedging on the site of no.118 provide high screening to the side.

Given the more traditional design of the proposed building compared the previous scheme, the retention of screening between the buildings, and proposed tree planting to the Stakes Hill Road frontage, HBC Conservation officer considers that the proposal overcomes previous concerns from a heritage perspective and has raised no objection. As such, subject to conditions, it is not considered that the proposal would have an adverse impact on the setting of the locally listed building that would justify the refusal of the application.

No works are proposed in the root protection area of the silver birch subject of a tree preservation order, considered to be of amenity value to the area. Designing around this has had some impact on layout, and the amount of car parking provision has impacted on the ability to provide further soft landscaping to the front of dwellings. Greenery/soft landscaping is considered to be important to the character of this area and it is noted that some space to plant hedging has been incorporated to the Elizabeth Road frontage thus addressing the public realm. A wall with fencing is proposed to the rear gardens, considered to be acceptable in the context, with trees behind this to the Stakes Hill Road boundary to provide greenery. Due to the importance of softening the edges of the development in this context, it is recommended that full details of landscaping are secured by condition.

Overall, the revised proposed scheme is considered to adequately respect the local context and to integrate effectively with the character of the surrounding streets, and is not considered to adversely impact the setting of the locally listed buildings no.118/116 Stakes Hill Road. The development proposes the protection of the existing TPO tree and hedging to the north west boundary, and proposes new soft landscaping considered to be important in the context. Due to the visual prominence of the site and potential impact of further extension and alterations (e.g roof extensions), and to ensure sufficient amenity space is retained for the units it is recommended that permitted development rights are removed for this building relation to extensions, alterations and outbuildings. Subject to relevant conditions, the proposed development is considered to be acceptable having regard to policy CS16, CS9, CS11 and DM8 of the HBLP (CS), and policy E1 of the emerging Local Plan.

(iii) Impact upon residential amenity

There is a change in land level to Stakes Hill Road such that the proposed building would be on higher ground level than the adjacent no.118 Stakes Hill Road. However, given the distance from neighbouring dwellings as well as existing high vegetation between the site and the dwelling at no.118 Stakes Hill Road it is not considered that the development would result in any significant adverse impact with regard to loss of sunlight/daylight or overbearing impact. There are two windows proposed in the north west facing elevation close to the side boundary of no.118 Stakes Hill Road. Whilst there is screening from vegetation at the boundary, due to the proximity and any potential gaps to vegetation it is recommended that both windows are conditioned to be obscure glazed only to ensure privacy. Further to this, and whilst acknowledging that there would be some impact, it is not considered that the development would have a significant adverse impact on the amenities of neighbouring properties to justify a reason for refusal having regard to policy CS16 of the HBLP (CS).

(iv) Impact on highways and parking

The proposed development requires 2 car parking spaces per unit, and as such there would be a requirement for 4 off road parking spaces to meet the requirement of the Borough Parking SPD. This application provides 6, over supplying by 2 spaces. Whilst this reduces the amount of landscaping potential and is not required by the LPA or recommended by the Highways Authority it is recognised that this is in response to local concerns about parking provision and on-street parking issues in the area. The proposed access would be off Orsmund Close and no objection has been received from the Highways Authority in respect of this. Overall, it is not considered that the proposal would have a significant adverse impact on the safety or free flow of the Highway network to justify a reason for the refusal of the application having regard to policy DM13 of the HBLP (CS). A cycle store is provided for each dwelling.

(v) Impact on trees

The site contains a silver birch tree subject of a Tree Preservation Order and is adjacent to hedging to the north west boundary. Further information has been received and subject to the carrying out of works in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan the tree officer raises no objection to the proposals. A number of conditions are recommended to ensure the adequate protection of trees. Several of these would be pre-conditions and as such have been agreed with the applicant. Subject to conditions the proposal is considered to be acceptable having regard to policy DM8 of the HBLP (CS).

(vi) Drainage and impact on Source Protection Zone (SPZ)

No details relating to drainage have been received with the application. Due to the sensitivity of the ground water environment Porsmouth Water have requested consultation on drainage and foundation design. As such a number of conditions are recommended in this respect having regard to policies DM10 of the HBLP (CS) and emerging policies E20 and E21. Several of these would be pre-conditions and as such have been agreed with the applicant. The applicant proposes permeable surfacing to hard landscaped areas.

(v) Ecology considerations

HCC Ecologist has commented that the site in its current condition is not of significant ecological value - and in the absence of significant vegetation cover and set within a densely-developed context, unlikely to have opportunities for protected or notable species. HCC Ecologist commented that whilst it is not considered that the site would offer roosting potential for bats, and also unlikely to comprise a significant resource for foraging bats roosting within surrounding buildings, the trees at the site northern boundary could offer a suitable habitat for flying bats, and that the proposed development could impact on this through increased artificial lighting.

Policy CS16 of the HBLP (CS) states that proposals should seek to promote biodiversity, and bats have statutory legal protection. In line with advice from HCC Ecologist it is recommended that a condition to control external lighting is added, as well as a condition to secure biodiversity enhancement measures by way of integral bat or bird boxes.

(vi) 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 a net increase in population, 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. Furthermore 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 dwellings 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.

The development is CIL liable and the assumption of liability has been submitted.

8 Conclusion

The proposed development is considered to be appropriate in design and appearance subject to appropriate conditions to secure materials details and landscaping/planting. No objection has been received from HBC trees officer re the impact on the TPO tree, and no objection has been received from HBC Conservation officer in respect of the impact on the adjacent locally listed building. There is considered to be adequate parking provision and the proposal is not considered to be unacceptable on highways grounds. It is not considered that the proposal would have an unacceptable impact on neighbour amenity. An Appropriate Assessment has been carried out which concluded that proposed mitigation is sufficient to remove the significant effect on the SPAs. It is recommended that conditions recommended by HCC Ecologist are attached to any approval granted. In addition, it is recommended that details of drainage and proposed piling are secured by condition to ensure no adverse impact on the water environment. The proposed units would make a contribution, albeit very modest to the housing supply in the borough. In this case the proposal is considered to accord with the policies of the development plan, and there are not considered to be adverse impacts which would significantly and demonstrably outweigh the benefits of the provision of 2 units of housing as proposed.

The proposal is considered to be acceptable having regard to policies CS16, CS9, CS11, CS17, DM8 and DM10 of the HBC (CS) 2011, DM24 of the HBC LP (allocations) 2014. It is therefore recommended that planning permission is granted.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01043 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:

2000 Rev A (Floor Plans) received 11.02.21
2001 Rev A (Front and Rear Elevations) received 11.02.21
2002 Rev A (Side Elevations) received 11.02.21
2003 Rev B (Site Plans) received 11.02.21
2004 (Location Plan) received 19.11.21
2005 Rev A (Streetview Site Sections) received 11.02.21
Tree Protection Plan received 05.02.21
Arboricultural Implications Assessment/Statement written by Kim Gifford dated 05.02.21 received on 09.02.21

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 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 All works shall be carried out in strict accordance with the Arboricultural Impact Assessment/Statement and Arboricultural Method Statement dated 5th February 2021 written by Kim Gifford received on 9th February 2021, and Tree Protection Plan received on 5th February 2021.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Protective measures, including fencing and ground provision, in accordance with the Arboricultural Impact Assessment/Statement and Arboricultural Method Statement dated 5th February 2021 written by Kim Gifford received on 9th February, and Tree Protection Plan received on 5th February 2021 shall be installed prior to any demolition, construction or groundwork commencing on the site.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Assessment/Statement and Arboricultural Method Statement dated 5th February 2021 written by Kim Gifford received on 9th February 2021, and Tree Protection Plan received on 5th February 2021 shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 A pre-commencement meeting will be held on the site before any of the site clearance and construction works begin. This will be attended by the site manager and the Arboricultural consultant.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering levels of the site shall take place until the Project Arboriculturalist has been appointed to supervise construction activity occurring on the site. The Project Arboriculturalist will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement and tree protection plan.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Works within the RPA in relation to the hedge (H1) must be supervised by the Project Arboriculturalist and documented (to include photos) for submission to the LPA following the completed works in this area. Any complications must be reported at the point they are found to ensure works to the adjacent hedge and trees are not detrimental.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No development hereby permitted shall commence until plans and particulars specifying the layout, depth, capacity, and other details as required by Portsmouth Water at this stage, 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 as the proposed works are in a sensitive groundwater catchment and there are potential risks to groundwater 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 No development hereby permitted shall commence until details of the proposed piling have been submitted to and approved in writing by the LPA in consultation with Portsmouth Water. If the piles penetrate the full depth of the Clay cover a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Portsmouth Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works are in a sensitive groundwater catchment and there are potentially significant risks associated with groundworks in this area. Piling has the potential to impact on the drinking water source and therefore the applicant is advised to contact Portsmouth Water to discuss the details of the piling method statement and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 No part of the hereby approved dwellings shall be first occupied until details of the:
- i) proposed cycle store including precise size, height and materials.
 - ii) all new or replacement boundary treatments – including type, siting, design and materials
 - iii) all hard landscaping materials
- have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

- 13 The dwellings hereby approved shall not be occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees, hedging, and shrubs to be planted or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree, hedging or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed in the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season unless the Local Planning Authority gives its consent in writing to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and having due regard to policies CS16, CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 The car parking, servicing 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.

- 15 No occupation shall take place until the access principally shown in drawing number 1003 Rev B has been constructed.

Reason: To provide satisfactory access and in the interests of highway safety having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 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.

- 17 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.

- 18 The above ground construction of the development hereby permitted shall not commence until details of the measures to improve and enhance biodiversity at the site by the provision of integral bat/bird boxes have been submitted to and approved in writing by the Local Planning Authority. Such details as shall be approved shall be fully implemented prior to the first use of the development.

Reason: To enhance the biodiversity of the site and to comply with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 19 Prior to the installation of any external lighting at the site, details shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

Reason: To avoid adverse impact on a suitable habitat for protected species (bats) and in the interests of biodiversity, and to comply with Policy DM8 of the Havant Borough Local Plan and Policy E15 of the Pre-Submission Havant Borough Local Plan.

- 20 Finished floor and site levels shall accord with those shown on drawing no.2005 (Rev A) received on 11.02.21 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and emerging Policy E1 of the Pre-Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 21 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, or outbuildings shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging Policy E1 and H1 of the Pre-Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 22 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the windows in the north west (side) facing elevation 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.

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