
Site Address:	Land off Elizabeth Road, adj 118 Stakes Hill Road, Waterloooville, PO7 7LS		
Proposal:	Erection of 4No 2 bed flats with parking.		
Application No:	APP/20/00618	Expiry Date:	05/10/2020
Applicant:	Mr J Bradwell East Pallant Developments		
Agent:	Mr M Wilkes M2 Architecture	Case Officer:	Lewis Oliver
Ward:	Stakes		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site is a corner plot situated within the settlement boundary for Waterloooville in an established residential area to the north of Elizabeth Road, Waterloooville. 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 with 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 mix of detached / semi-detached houses, flats and bungalows.

2 Planning History

None

3 Proposal

The proposal is to construct 4 new 2-bedroom flats with off road parking for 8 no. vehicles. The proposal has been amended during the application, with the design being amended to have a hipped roof. The layout has also been amended which has seen the proposed parking spaces, which would run alongside the south eastern boundary. The new flats will have a kitchen, living area, main bedroom with en-suite, bedroom 2 & bathroom, with first floor flats benefiting from an outside balcony area. The ground floor flats are 71.5 m² per dwelling and first floor flats are 75.4 m² in line with the Nationally Described Space Standards - Technical Housing Standards (3 person 2-bed dwelling).

Access to the site will be via new vehicular access from Orsmond Close giving easy access for vehicles which are able to turn within the site to exit in a forward gear. Pedestrian access from Elizabeth Road.

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)
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)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

Pre-submission Havant Borough Local Plan 2036

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process.

The relevant planning policies of the emerging Local Plan are:

- IN1 - Effective Provision of Infrastructure
- IN3 & 5 - Transport and New development
- E13 - Historic Environment and heritage assets
- E12 - Low Carbon Design
- E15 - Protected Species
- E16 and E17 - SRMS and SPA

E18 - Trees, hedgerows and woodland
E22 - Amenity
H1- High Quality Homes
H3 - Housing Density
H4 - Housing mix

Listed Building Grade: Not applicable. Locally Listed Building located to the north of the site 118 Stakes Hill Road.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Original comments

It would appear that the entirety of the RPA of the Birch is proposed for development - well beyond the maximum of 20% incursion stated within BS 5837 (2012). In addition to this the tree would be directly amongst the proposed parking area where it would be open to future damage from vehicles and also it is unsuitable to park directly beneath the canopy of a tree due to the leaf fall etc that will occur directly below.

Objection on arboricultural grounds.

Comments of amended plans site plan/block plan Rev:B

We maintain our objection to the application in terms of arboricultural impact.

The proposed hard surfacing remains unsustainable and would have a negative impact on the Birch.

Comments on amended plans site plan/block plan Rev:C

Objection remains as there is a bin store within the RPA and there will be some disruption to the rooting area of the tree with the proposed gravel - although there is no description as to how this would actually be achieved?

It appears that different options are being brought forward without a considered consequence or demonstration as to how to mitigate or eliminate the potential harm to a TPO tree.

Building Control, Havant Borough Council

Original comments

- 1) There does not appear to be any public sewers, as shown on the map of sewers within 3m of the proposed building
- 2) If the rear elevation wall is within 1m of the site boundary, no window shown in that elevation should be greater than 1m²

Comments of amended plans

Whilst materials and style of building has changed the same comments as previously made are still relevant.

Conservation Officer

Concerned about the impact on the setting of the Building of Local Interest by virtue of the layout of the proposal, close to the northern boundary of the site, will subsequently likely result in the removal of the trees and hedging, which would open impact on the setting of the heritage asset, which is defined by its well landscaped gardens.

Councillor Diana Patrick

I feel this development in its character and position is totally inappropriate to the area and street scene, and is an overbuild on an extremely small plot of land. In fact when I saw the land had been cleared I assumed it was just ground management and had got overgrown which surprised me. I therefore wish my objection to be noted and for the application to be determined by Committee if approval is recommended.

Further correspondence - I am happy for this to be refused and determined under delegated powers.

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

Environment Agency

No response

Hampshire Highways

No objection subject to conditions

Landscape Team, Havant Borough Council

From a landscape perspective we have the following comments in relation to this application:

- 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.
- The proposed form and appearance of the development does not seem to be in keeping with the existing local character and is deemed contrary to planning policy

CS16 'Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors';? The proposed flat roof and grey brick with off white render is disparate to the existing landscape character, which is predominately red/buff brick with gable and hip roofs.

- We require a hedgerow along the frontage of Stakes Hill Road and Elizabeth Road to help soft the development into the landscape and mitigate the visual impact of the car park and.

- The location of the secure cycle storage is not appropriate and the lack of natural surveillance could lead to the increased opportunities to theft. The cycle storage should be located on a hard surface, not under the canopy of a TPO tree and have good natural surveillance.

- A hard surfaced footpath is required to connect the car park, bins and cycle storage to the building entrance.

Comments in relation to amended plans

- The location of the secure cycle storage is not appropriate and the lack of natural surveillance could lead to the increased opportunities to theft. The cycle storage should be located on a hard surface, not under the canopy of a TOP tree and have good natural surveillance.

- We require additional trees to be planted within the hedgerow to help soften the visual impact of the development and to also conform to the landscape character of the area. Where space is limited due to the proximity of the building we recommend the use of native fastigate species.

- Recommend to condition soft landscaping, hard landscaping, boundary treatments and building materials.

Natural England Government Team

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, and a competent authority should have regard to Natural England's advice.

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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

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.

Nutrient Neutrality – no objection subject to mitigation

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

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. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

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.

Traffic Management,

The Traffic Team have no adverse comment to make.

Waste Services Manager

No comments 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 as a result of which the following publicity was undertaken both at the time of the original submission and following the receipt of amendments:

Number of neighbour notification letters sent: 15

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 45

42 objections and 4 letters of support. The comments are summarised below include a summary of points made on the original and amended scheme.

42 objections, with the following summarised points:

- Excessive density out of keeping with neighbouring areas.
- Overdevelopment, out of character and with little public space and poor privacy
- Isolated development which does not integrate with the existing pattern of development
- Design average and unimaginative
- Adverse impact on the Building of Local Interest
- Adverse impact on the safety and free flow of the highway network through additional traffic
- Parking is a significant issue in the area, particularly for on-street parking, this development will make problems much worse for residents
- Adverse impact on the ecology with regards to loss of trees and hedgerows

4 letters of support, with the following summarised points:

- This proposal will provide much needed housing, for a site which is currently not in use

7 Planning Considerations

Appropriate Assessment

- 7.1 The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

- 7.2 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.
- 7.3 The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24. However, this has not been secured by binding arrangements.

Water quality

- 7.4 There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

7.5 The applicant has agreed the Grampian style condition, as outlined in the position statement, in order to mitigate the impact of the developments in terms Nutrient Neutral Development. If permission were to be granted the Grampian condition would be applied to any consent, if it were to be granted.

7.6 In other respects 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

(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 addition of four new dwellings in such a location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. That said, the Council can currently demonstrate a 5-year housing land supply and therefore there is no 'tilted balance' relating to residential proposals, as set out in the NPPF. The updated NPPF continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...".

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. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

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

The site is located within a largely established residential area. 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. The trees and mature vegetation in the gardens of these properties also combine with the space to the rear of the houses to provide a soft edge. The application site is a relatively small piece of land, which is in a highly visible location on the junction of Stakes Hill Road, Elizabeth Road and Orsmond Close, with trees and hedging on most of the boundaries.

It is considered that the proposed development of this site marks a significant change

to the existing characteristics of this part of area, introducing a much more intensely developed built form that is distinct from the prevailing spacious character of the area and does not achieve an effective transition between the respective patterns of development surrounding the site on this highly visible and sensitive corner plot, neither does the proposal respect the setting of the adjacent Building of Local Interest to the north of the site, 118 Stakes Hill Road, as it would likely result in the removal of the hedging and trees on the northern boundary of the site. A key characteristic of this building is its setting, which is set within a spacious plot with mature landscaped gardens, including mature trees and hedging forming the boundaries of the site, this development is therefore considered to have an adverse impact on the character and setting of this Building of Local Interest.

It is considered that the proposed design solution does not relate either to the local area or surrounding houses, neither does it establish a high quality contemporary or innovative design, which addresses this sensitive corner site. It is therefore considered that this approach lacks a sense of proportion and balance, which would result in the development having an adverse impact on the character and appearance of the area.

In itself the height of the proposed building would not be out of keeping with the locality, having regard to the varied heights of other buildings within the area. However, at its widest point the proposed building would extend across a large part of the site. As such due to the height combined with the width and depth of the proposed building, together with the surrounding roads, it would appear cramped and as such result in over development of the site.

The layout of the development contains little or no open space and is heavily engineered, through extensive hardstanding for parking and access arrangements. The public realm should be designed first, however the layout proposed would result in hardsurfacing and parking dominating the development, which would be highly visible from the surrounding roads. Furthermore given the proposed layout of the development, would place significant pressure on the birch tree, which is subject to a Tree Preservation Order, as the hardstanding/gravel would be within the Root Protection Area. Given the location and proximity to the tree it would adversely impact on the longevity and result in pressure to fell this tree, which adds significantly to the amenity of the area. In addition the number of dwellings and their proposed siting and layout are such that the development would appear cramped and contrived which would have an adverse effect on the amenities of the area.

On the above basis, it is considered that 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 the development would have a significant adverse impact on the character and setting of the Building of Local Interest. The harm that would be caused to the character and appearance of the area would outweigh the benefits of providing 4 dwellings. As such it is considered that this proposal 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.

(iii) Impact upon residential amenity

Given the orientation and distance from neighbouring properties it is not considered that the development would result in a significant adverse impact with regard to loss of

sunlight/daylight or overbearing impact. In terms of overlooking the most sensitive property is 118 Stakes Hill Road, which is located directly to the north. The proposal does contain bathroom windows and both ground and first floor, which would be obscurely glazed windows, which could be controlled through a condition if permission were to be granted. As such 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.

(iv) Impact on highways and parking

The proposed development requires two car parking spaces per unit and as such there would be a requirement for four off road parking spaces to meet the requirements of the Borough Parking SPD. This application does provide the required number of spaces. It is noted that significant concerns have been raised by a number of local residents that the proposal would result in the loss of existing parking provision, in an area where parking spaces are in short supply, this proposal does not propose to remove any existing parking provision in the surrounding streets, and therefore the proposed development will not decrease the amount of on street parking.

Overall it is not considered that this proposal would have a significant adverse impact on the safety or free flow of the highway network to justify a reason for refusal of this matter.

(v) Developer Contributions

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in for this area.

8 Conclusion

The proposed development is considered to be of a size, scale, massing and design which does not accord with local planning policy in that it would be highly prominent due to its location, and would be harmful to the existing character and appearance of the area conflicting with the established pattern of development and spatial characteristics and setting of the street scene. Furthermore the development would have a significant adverse impact on the character and setting of the adjacent Building of Local Interest.

Furthermore, essential mitigation measures in relation to the development's impact upon the Solvent SPA sites have also not been secured and the applicant has not been able to provide information in order to undertake the necessary assessment regarding the impact of the proposed development on water quality.

These matters are considered to outweigh the limited benefits that would arise from the addition of four new dwellings, which would make only a very modest contribution to the Council's housing requirements. The recommendation is therefore to refuse this application

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00618

(A)

(B) 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 dwellings 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.