

CS20	(Transport and Access Strategy)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

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

Havant Borough Pre Submission Local Plan 2036

EX1	(EX1 Water Quality impact on the Solent European Sites)
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Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

CIL No adverse comments

Natural England

Thank you for consulting Natural England on the above HRA and AA.

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, 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.

Please consult Natural England on the discharge of the Grampian condition.

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: 16

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
I strongly object to APP/20/00414. The planning department have a responsibility to ensure that the original approved plans were adhered too. It is very disappointing that the building company have tried to push these changes through the back door without authorisation from the planning department and they should have been upfront with yourselves and us as residents from the outset, this new application should most definitely not be approved and the build should be returned back to the	The application has to be considered on its merits.

original approved plans that you the planning department originally agreed with.	
These new proposed amendments give us even less privacy and light and it is not fair or reasonable and acceptable when we love our home and this is removing our enjoyment and will have a detrimental impact on our property. The side of our garden which was private is now totally overlooked and the drawing of the east elevation on the corner is deceiving as it appears to look out totally on to Milton Road, this is not the case and we have lost all privacy in our side garden.	See section 7
I would like to understand why the planning department did not pick up these amendments to this build when this is your area of expertise especially when you have a responsibility to ensure the proper plans and procedures are adhered to.	Once the inconsistencies were identified the Council sort a further application so that the matter could be formally considered.
On an additional subject which is not related to any changed amendment are the roof tiles which look decidedly off centre to the left of the dormer window on the North elevation, this looks most unprofessional and not pleasing to the eye at all and I can't believe this would be acceptable to D&K.	The appearance of the roof tiles is consistent with a development of this type.

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) Access and Highway Implications
- (v) Contamination
- (v) CIL and Contribution Requirements

(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. Policies CS9, and CS17 of the Core Strategy together with Policies AL1 and AL2 support residential development within the built up area and the need to provide small units to meet

housing demand, which is also identified in the Annual Monitoring report.

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development however this should not be to the detriment of the local area.

Policy CS16 of the Havant Borough Core Strategy 2011 seeks to reflect the requirements of the NPPF at a local level. It, and the local plan policies encourage the principle of development within the settlement area, subject to the usual development control criteria.

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

This application seeks to vary the submitted plans in respect to changes at 2nd floor to the form of 2 of the existing dormer windows and the insertion of an additional roof light on the flat block located at the corner of Milton Road and Pyrford Close. The dormers and roof lights are located on the street elevation and comprise;

Elevation onto Milton Road - dormer reduced in size.

Elevation onto Pyrford Close - the dormer is re-sited to align with the first floor window below, an additional roof light is proposed in this elevation, and the approved roof light moved slightly. Both have a cill height above 1.7m but in any event these are to be obscure glazed.

In terms of the impact on the character and appearance of the area, the proposed alterations are consistent with the form and design of the building and would not result in a negative impact.

(iii) Impact upon residential amenity

The nearest residential properties are located on the opposite site of Milton Road and adjoining and opposite in Pyrford close. In respect to Milton Road, the road provides adequate separation and the proposed alteration to the dormer on this frontage result in a reduction in glazed area, such that there is no detrimental impact.

In respect to Pyrford Close the main impact relates to No.39, which lies at the junction of Milton Road and Pyrford Close, this property has a relatively small rear garden which is supplemented by an additional amenity area to the side. The re-siting of the dormer results in additional over looking of this side area, and whilst it is separated by the front parking court to the flatted development, Pyrford Close and the frontage to No.39, as the dormer windows serves a landing the agent has amended the plans to show it to be obscure glazed. Given the location of the window, set back and on the opposite side of the road, the need for the obscure glazing must be assessed against the relatively small increase in loss of amenity that would result from the repositioning of the window, but on balance, given that it does not serve a habitable room, the imposition of a planning condition to require its obscure glazing is recommended. In respect to the roof lights these serve bathrooms and obscure glazing is considered appropriate, although it would not be appropriate to require them to be fixed shut and in any event they are above 1.7 cill height.

(iv) Access and Highway Implications

These have not altered and are as previously agreed.

(v) Contamination

This was assessed under the previously approved scheme and the relevant conditions have now been discharged.

(v) CIL and Contribution Requirements

There is no increase in floor area and CIL has been paid under the approved scheme. Additionally the Solent Recreation Disturbance Strategy contribution was paid under the approved scheme. In respect to water quality the proposal has been the subject of a further assessment under the Habitat Regulation and it has been possible to conclude that the proposal will not result in an 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.

8 Conclusion

Subject to a conditions including a condition in respect to obscure glazing the application is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00414 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:
Location Plan
Proposed plans 2019/01 RevG
Proposed elevations 2019/02 Rev F
Reason: - To ensure provision of a satisfactory development.
- 3 The development shall be carried out in accordance with Construction Method Statement, Plan 2019/10 approved under APP/19/00394 in respect to :
 - (i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;
 - (ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.
 - (ii) The provision to be made within the site for the control of noise form construction works
 - (iv) The provision to be made within the site for lighting construction.

The implementation of the development, shall be in accordance with the approved details.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development shall be carried out strictly in accordance with the details of proposed finished floor levels set out on the approved plans Landscape Plan 1174- 01 Rev A.
Reason: To safeguard the amenities of the locality and neighbouring properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The development shall carried out in accordance with the Surface Water Drainage Strategy Dec 2019 Plan 2019/10approved under APP/19/00394 and 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 the approved plans and particulars.
Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Any piling, if proposed, must be undertaken in accordance with the terms of a piling method statement to be approved in writing by the Local Planning Authority in consultation with Portsmouth Water prior to the commencement of work, and the piling shall be carried out in accordance with the approved details.
Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways and having due regard to policies CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The car and cycle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be surfaced in a non migratory material and 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.
- 8 The landscaping works shown on the approved landscape plan 1174-01 Rev A shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements agreed or within 18 months of final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become

seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, 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 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 The materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced shall be in accordance with the details set out on the approved plans Landscape Plan 1174- 01 Rev A . The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11 CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework .

- 10 Prior to first occupation the existing access to Milton Road, and the alteration to the existing access to Pyrford Close shall be completed to the satisfaction of the Local Planning Authority.

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.

- 11 In the event that suspected contamination (obviously contaminated soil / groundwater, or any buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by-the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
- 3) Where potentially unacceptable risks are identified by 2), a Remediation or Risk Mitigation strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented as written report. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A. A statement confirming that no suspected contamination was identified during development, OR;

B. Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have

been met.

Reason: Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014] and the National Planning Policy Framework, there is a potential for contamination to exist within areas of the site note investigated to date which could pose a risk to future occupants of the development.

- 12 The external materials shall comprise Thakeham Red Multi bricks and Marley Rivendale Cement Slates, with dark grey window frames and fascia 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 the National Planning Policy Framework.

- 13 The means of enclosure including boundaries and screens for the development shall be constructed/erected in accordance with the approved Landscape Plan 1174- 01 Rev A . The development hereby permitted shall not be brought into use until the implementation of all boundary treatment has been completed in full accordance with the approved details. The structures shall thereafter be retained.

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

- 14 Prior to first occupation of the development hereby permitted the ground floor windows and first floor roof lights in the west elevation shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and 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.

- 15 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; all measures necessary to meet the agreed water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation

- objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

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 for 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 of the Pre-Submission Havant Borough Local Plan 2036.

- 16 The acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential units shall comply with BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.
Reason: To ensure the residential amenity of the properties is not adversely impacted upon by any external noise levels, especially traffic noise and having due regard to and having due regard to policies CS16, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework .
- 17 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.
Reason: To protect the occupants of nearby properties, on and off site, from light disturbance / pollution and having due regard to policies CS16, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework .
- 18 The development shall be carried out in accordance with the Ecological Enhancement Plan-Drawing 2019/10 and Bat Box Schweglar 1FQ and location details- submitted 13/02/20 approved under APP/19/00394 The approved details shall be installed prior to occupation of the development and subsequently retained thereafter.
Reason: To enhance the natural environment and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework .
- 19 Prior to first occupation of the development hereby permitted the second floor dormer window and roof lights in the north 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 to a height of no less than 1.7m above finished floor level, the dormer window shall be fitted with non-opening lights 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.