
Site Address:	Land to rear of 43 Elizabeth Road, Waterlooville, PO7 7LZ		
Proposal:	Proposed 1No. 3 bed dwelling with access from Stakes Hill Road.		
Application No:	APP/19/00396	Expiry Date:	18/06/2019
Applicant:	Mr Gill		
Agent:	Mr Gard	Case Officer:	Lesley Wells
	ACE Designs		
Ward:	Stakes		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located to the rear of No. 43 Elizabeth Road, which is a two-storey semi-detached dwelling. The vehicular access to the site is off Stakes Hill Road to the rear. The access drive forms a gentle slope downwards and the site is on slightly lower ground level than No. 43 Elizabeth Road.

To the north east of the site (to the rear) there are three protected Oak Trees of varying sizes, which are located within the neighbouring property.

To the north west of the site is a small development of bungalows, with the exception of one unit with access from Stakes Hill Road, form part of Elizabeth Road. There is also a two storey dwelling to the rear with access from Stakes Hill Road. There is 1.8 m high fencing along the boundaries to the north-west and north east.

2 Planning History

07/72450/000 - Two storey side extension. , PERM,28/08/2007

APP/14/00802 - Erection of 1No. 4 bed detached house with integral garage and creation of new access onto Stakes Hill Road., WD,21/10/2014

APP/15/00790 - Erection of 1No. 3 bed detached house with integral garage and creation of new access onto Stakes Hill Road (revised application)., REF,17/09/2015

APP/16/00308 - Erection of 1No. 3 bed detached house with integral garage and creation of new access onto Stakes Hill Road (revised application)., PERM,24/05/2016

APP/18/00133 - Application for non-material change to Planning Permission

APP/16/00837 relating to alterations to central first floor void on rear elevation to form internal floorspace for Bedroom No. 2., PERM,09/03/2018

3 Proposal

The proposed is for a similar development granted under reference 16/00308 for a 2 storey 3 bed detached dwelling of a traditional design with a pitched roof, brick walls, with an attached single storey side garage and utility room. The plot would be divided between the existing and proposed dwelling. The proposed materials are: brickwork with concrete tiles. Access is via an existing dropped kerb from Stakes Hill Road, which it is proposed would be utilised to serve both the existing and proposed dwelling. Two parking spaces are provided for the proposal. One is in the garage and

one in the parking area. Two parking spaces for 43 Elizabeth Road, is shown alongside the proposal. A new gravel access drive (with timber board edging) and turning head is proposed to allow vehicles to enter and leave in a forward gear. The bin store is located adjacent to the west of the turning area. A concrete post and timber panel fence is proposed to separate the development from the original dwelling. Drainage would be via the existing main sewer. The height of the main dwelling is 8 m. The height of the single storey garage is 6.1 m. The total floor area of the dwelling is 128 m²

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)
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)

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

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No objection. A condition requiring a Tree Protection Plan to be submitted prior to the development commencing should be added if permission is granted, in order to safeguard the off site Holm Oaks.

Building Control, Havant Borough Council

No adverse comments

Councillor Diana Patrick

No comment.

Councillor Dianne Lloyd

No comment.

Councillor S Milne

No comment.

Crime Prevention -Minor Apps

No comment

Hampshire Highways - No objection

No objection subject to the following condition:

Prior to occupation the area shown on the approved plan for the parking and turning of vehicles shall be provided with a non-migratory surface and be retained for these purposes at all times.

Natural England - 1st Comment

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.

Natural England - 2nd Comment

Solent Recreation Mitigation Strategy - no objection subject to mitigation

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

The Appropriate Assessment has taken this into consideration, therefore, providing the appropriate mitigation is secured by any approval, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

Nutrient Neutrality – no objection subject to mitigation

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.

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.

Should you have any questions relating to the above advice please let me know.

Portsmouth Water Company

The site is located in Source Protection Zone 1c (SPZ1c) for the Havant and Bedhampton springs; an essential public water supply source. The SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities such as drainage solutions and/or piling may pose a risk to groundwater quality and our supply at Havant and Bedhampton Springs.

Portsmouth Water have no objections in principle to the proposed development, however due to the sensitivity of the groundwater environment of the proposed site we would wish to see more detail provided regarding the planned drainage and foundation designs for the site.

Drainage

The proposed surface water strategy is disposal by soakaway, if these are shallow in nature this will be acceptable to Portsmouth Water in relation to groundwater protection and we would have no further comments on surface water drainage for the site.

Portsmouth Water has a presumption against deep bore soakaways in this area. If deep bore soakaways are the proposed drainage solution, the application for the construction and installation of these features should be accompanied by an adequate risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design.

Based on the information provided in the application form we understand foul water from the site will discharge via main sewers, this is acceptable to Portsmouth Water in relation to groundwater protection. Portsmouth Water require the use of the highest specification pipework and designs for schemes involving new sewerage systems in SPZ1 to minimise leakage. Portsmouth Water have no further comments on foul water drainage for the site.

Piling & Foundations

The proposed site is situated in a sensitive groundwater catchment and there are potential significant risks associated with groundworks in this area.

Portsmouth Water would have a presumption against piling at this location if the piles penetrate the full depth of the Clay cover. We would have no objection to piled foundations that terminate within the Clay cover; in this instance we would expect a piling risk assessment and 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) to be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

Any piling, if proposed, must be undertaken in accordance with the terms of the approved piling method statement.

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.

Public Spaces

No comment

Traffic Management, East Hampshire District Council

No adverse comment.

Waste Services Manager

No comments

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: 6

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None.	

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) Parking
- (v) Developer contributions and Nutrient Neutrality
- (vii) Impact on trees
- (viii) Drainage

- (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. Furthermore, the principle of a dwelling within the curtilage of the rear garden, with access from Stakes Hill Road has already been established by the grant of planning permission on

24/5/17 under reference 16/00308. The policy position remains the same since this planning permission was granted. This permission has expired with no evidence on site, that it was implemented. The proposal is similar to the development granted planning permission under reference 16/00308

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

The proposed dwelling would front Stakes Hill Road and this would be in accordance with the pattern of development to the north west. The development would have an acceptable appearance in the street scene and would be set slightly into the slope to reduce the visual impact of the dwelling.

It is considered that the proposal would have an acceptable appearance in the locality.

(iii) Impact upon residential amenity

The proposal is sited so that a direct line of view between the proposed and existing dwelling is avoided. As with the previous permission, a distance of 19m and the off-set between the units is considered to adequately address the relationship between the two units and was previously accepted, albeit it is slightly below that required by Havant's Design SPD.

No 136 to the north east is positioned beyond the access drive and has at first floor level an obscure glazed window and high-level window facing the application site. Two small new windows are proposed in the application to face No.136 one at ground floor (lounge) and one at first floor (bedroom). This secondary window to the first floor bedroom is to be obscurely glazed. The proposed separation of 6m between the 2 units is considered to be acceptable.

There is a bungalow to the rear of 136 Stakes Hill Road. This property is also set off and at an angle from the proposed house with a 20m separation distance. This is considered to be acceptable and accords with the requirements of the Havant Design SPD

As to 45 Elizabeth Road, the proposed dwelling would be set off the boundary with No.45 by 3.5m with the lower garage element set closest. The full two storey element of the new dwelling would be positioned 20m from the two storey element of No.45. The position of the building to the north of 45 would prevent any significant impact on light. There are no windows in the flank elevation closest to the boundary with No.45 and any view from the rear windows would be oblique and the impact would not be significant enough to warrant a refusal of planning permission.

With regard to the impact on No 43 (the existing dwelling), the alignment of the two dwellings is acceptable to prevent direct overlooking between the units. The proposed and existing dwellings also have adequate amenity space. It is considered that the layout would be acceptable. It is noted no letters of objection were received with respect to the scheme.

In order to ensure that extensions are not constructed on the property in the future without planning permission, a condition removing permitted development rights is recommended. This would ensure that the LPA retain control over development on this site, in the interest of amenity.

(iv) Parking

Two car parking spaces are proposed for the proposal, with two for the existing 3 bed dwelling which accords with the requirements in the Havant Borough Council Parking SPD.

(v) Developer Contributions and Nutrient Neutrality

The development is liable to CIL and a contribution of £11,737.50 is required.

The development would also be subject to a contribution in relation to the Solent Recreation Mitigation Project to mitigate against addition pressure on the Solent SPA. The contribution is £724.85. The contribution has been secured.

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 results of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.

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. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.

(vii) Impact on trees

There are 3 trees within the adjacent property (45) to the rear, which are the subject of Tree Preservation Order. The Council's Arboricultural Officer has been consulted on the proposal who has raised no objection, subject to a condition requiring a Tree Protection Plan to be submitted prior to the development commencing in order to safeguard the off site Holm Oaks. A pre-commencement condition relating to trees has been agreed with the agent, as has precommencement conditions relating to levels and the provision of contractor's parking and storage compound.

(viii) Drainage

The drainage details shown on drawing no. 190306/13 are acceptable to Southern Water. The agent has confirmed that no pile driving is proposed and the foundations will be concrete strips with the underside level of the foundations being at least 150mm below the invert of any sewer to prevent any loading on the sewers.

8 Conclusion

The development is considered to be acceptable in principal and would have an acceptable impact on the character and appearance of the area and on residential amenity. The level of car parking is appropriate and the drainage details are acceptable. The proposal is therefore considered to be appropriate and recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00396 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 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: To ensure that the dwelling is suitably set into the slope in the interests of the residential amenities of neighbouring residents having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:
 - (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.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

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 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to occupation the area shown on the approved plan for the parking and turning of vehicles shall be provided with a non-migratory surface and be retained for these purposes at all times.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Parking SPD 2016 and the National Planning Policy Framework.

- 6 The dwelling hereby permitted shall not be occupied unless and until two cycle parking spaces are provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained for that purpose at all times.

Reason: To provide facilities for means of transport other than the private car in the interests of encouraging sustainable transport options having due regard to policies DM11 and DM13 of Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Parking SPD 2016 and the National Planning Policy Framework.

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

Reason: To protect the amenities of adjacent residents having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.

- 8 The foul and surface drainage shall be undertaken in accordance with approved drawing number 190306/13. 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 all the drainage provision in full accordance with approved drawing number 190306/13.

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.

- 9 No development shall take place until all trees and hedgerows that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 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 first floor on the northern 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.

- 11 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 waste 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.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site and block plan - drawing No. 190306/11
Site plan as existing - drawing No. 190306/12
Site plan as proposed - - drawing No. 190306/13
New dwelling, proposed plans - drawing No. 190306/
Proposed elevations of new dwelling - drawing No. 190306/15
Proposed new dwelling rear of 43 Elizabeth Road - drawing No. 190306/16
Proposed new dwelling rear of 43 Elizabeth Road - drawing No. 190306/17

Reason: - To ensure provision of a satisfactory development.