

This is the application currently sought to be varied.

APP/14/00543 - Discharge of condition No/s 2, 3, 4, 5, 6, 7, 12 and 14 of Planning Permission APP/11/00295, SPL,21/11/2014

3 Proposal

Variation of Condition 13 of Planning Permission APP/11/00295 (Construction of 2No. 1 bed semi detached houses with pedestrian access from Twittens Way) to substitute previously approved plans with revised plans including PV panels; and removal of Condition 14 of Planning Permission APP/11/00295 which relates to the requirements of the Code for Sustainable Homes.

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)
CS20	(Transport and Access Strategy)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Conservation Officer

There is no objection from a heritage perspective with regards to the inclusion of solar PV panels on the rear facing roof slope of the dwellings hereby approved.

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: 20

Number of site notices: 1

Statutory advertisement: 10/01/2020

Number of representations received: 0

Comment	Officer Comment
No comments received	

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/Conservation Area
- (iii) Impact upon residential amenity
- (iv) Removal of Condition 14 (code for sustainable homes)
- (v) Habitat Regulations Appropriate Assessment/Habitats Regulations Assessment

(i) Principle of development

7.1 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria and HRA assessment (see below). The principle of this form of residential development has previously been accepted under planning permission APP/11/00295. The current proposal seeks consent for the installation of solar panels to the rear roof slope. The proposed development is considered acceptable in principle subject to the considerations below.

(ii) Impact upon the character and appearance of the area/Conservation Area

7.2 Given the previous consent it is necessary to consider the differences between the approved plans and those now proposed. The differences relate to the provision of P.V. Panels to the rear (south) roof slope. These would not be prominent from public vantage points although there would be a view from the public footpath running to the east of the site.

7.3 The site lies within the St Faiths Conservation Area. within such areas the Planning (Listed Buildings and Conservation Areas) Act 1990 requires under section 72 that:

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.4 In this case the application has been considered by the Councils Conservation Officer who has concluded that: *There is no objection from a heritage perspective with regards to the inclusion of solar PV panels on the rear facing roof slope of the*

dwellings hereby approved.

- 7.5 It is concluded that the proposed P.V. Panels that will improve the sustainability credentials of the development would also have an acceptable impact on the Conservation Area which would preserve its character and appearance.

(iii) Impact upon residential amenity

- 7.6 The proposed P.V. Panels would back onto the rear amenity space of 19-21 South Street. It is not anticipated that the proposal would detract from the residential amenities of these properties.

(iv) Removal of Condition 14 (code for sustainable homes)

- 7.7 A second element to the proposal is for the removal of Condition 14 of Planning Permission APP/11/00295. This condition reads as follows:

Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code, unless otherwise agreed in writing by the Local Planning Authority.

Reason: *To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statement 22.*

With effect from 25th March 2015 the requirements of the Code have been withdrawn, for planning purposes, by the Deregulation Act 2015. This means that all planning decisions issued post 25th March 2015 no longer include conditions relating to the Code. In relation to cases such as this where the condition has been imposed and an application to remove the condition is made it is considered appropriate to permit the removal of the condition.

(v) Habitat Regulations Appropriate Assessment/Habitats Regulations Assessment

- 7.8 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). 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, when considering the impact of the S73 changes in the context of the project approved under APP/11/00295 and which is still extant, there was not likely to be a significant effect on any Solent European Sites (as defined in the application's HRA) due to any increase in recreation or decrease in water quality that might result from the development.
- 7.9 The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have chosen not to make any representations within the standard 21-day period for consultation. The HRA has therefore been able to be completed on this basis and concludes that the proposal would not lead to a likely significant effect on European site integrity.

8 Conclusion

- 8.1 In conclusion the proposed modest alterations to the approved development are considered acceptable in principle improving the sustainability of the development.

The proposals would preserve the character and appearance of the Conservation Area and would not be harmful to neighbours residential amenities. Finally the requirements for the Code for Sustainable Homes have been removed since 2015. Permission can therefore be recommended in relation to this Section 73 application.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01236

(A) subject to the following conditions

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

Revised details submitted with this application:

1385 L03 Location Plan
1385/100e Site Plan
1385/104b Proposed Plans
1385/105b Proposed Elevations

Details approved under Planning Permission APP/11/00295 dated 25 August 2011 still relevant to the development

CS555.01 Planting Plan
1385/102a Street Elevations and Site Section
1385/103a Site Elevation and Section
Design and Access Statement

Reason: - To ensure provision of a satisfactory development.

- 2 Unless otherwise agreed in writing by the Local Planning Authority, construction of the buildings hereby permitted shall be carried out in accordance with the details of all external facing and roofing materials including rooflights approved by the Local Planning Authority under Discharge of Condition Approval APP/11/00295 dated 6th June 2019.

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.

- 3 Unless otherwise agreed in writing with the Local Planning Authority, the external doors and windows (including rooflights) to be installed in the development shall be in strict accordance with the details submitted to and approved by the Local Planning Authority under Discharge of Condition Approval APP/11/00295 dated 6th June 2019.

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 The roof lights to the rear bathrooms on approved Drawing No's 1385/104 and 105 shall have a minimum cill height of 1.75m above finished floor level.
Reason: To protect the amenities of adjoining residential properties 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 the occupation of the dwellings hereby approved a verification report shall be prepared on completion of the works set out in part (c) of Condition No.5 imposed in relation to Planning Permission reference APP/11/00295 and discharged under Discharge of Condition Approval APP/11/00295 dated 3rd May 2019, confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.
Reason: To prevent site occupants being exposed to unacceptable risks from contamination; and to mitigate the effects of contaminants in, on, or under the ground (as the site may be contaminated due to adjacent land uses); and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Prior to the occupation of either dwelling secure provision for cycle storage shall be provided in accordance with the details shown on the approved Site Plan 1385/100e. Such provision shall be maintained in accordance with the approved details thereafter.
Reason: To ensure adequate provision is made for cycle storage within the curtilage of the properties hereby permitted having regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The existing accesses to the site shall be stopped up and abandoned and the footway crossings shall be reinstated prior to occupation of either of the dwellings hereby permitted.
Reason: In the interests of highway safety and having due regard to policies CS16 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 The implementation of the approved landscaping shall be completed within the first planting season following the occupation of either of the approved houses. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within 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.
Reason: To ensure the appearance of the development is satisfactory 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.
- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, alterations, building or structure permitted by Part 1, Classes A, B, C, D, or E of the Town and Country Planning (General Permitted Development) Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: In the interests of the design of the property, the size of site and

relationship to adjoining
properties having due regard to policy CS16 of the Havant Borough Local Plan
(Core Strategy) 2011 and the National Planning Policy Framework.