
Site Address:	143 Blendworth Crescent, Havant, PO9 2BD		
Proposal:	Erection of 1No. 2 bed end of terraced dwelling with associated parking and access.		
Application No:	APP/20/00298	Expiry Date:	09/06/2020
Applicant:	Mr Pearce		
Agent:	Mr Andrews	Case Officer:	Tina Pickup
	SDA Planning Ltd		
Ward:	Battins		

Recommendation: **GRANT PERMISSION**

1 Site Description

Note - Due to Coronavirus a new site visit was not possible in connection with this application - reliance has been made on the pre-application site meeting that was held in May 2019 and local knowledge to inform this decision.

- 1.1 The application site relates to an existing end-of-terrace two storey dwelling, located on a corner site. Number 143 is constructed of pale red brick with gabled end, beneath a dark concrete tiled roof. The property is set back from the road by some 6m, fronting Blendworth Crescent and having a return to Bedhampton Way where there is an extensive grassed verge that is part of the adopted highway. The area is characterised with similar style dwellings and there is a strong uniformity of house types, alignment and materials in the area. By virtue of its corner siting, wide grassed verges and triangle of grassed land to the west, the site has a particularly spacious and open setting.
- 1.2 Originally the dwellings in the area were constructed without any on site parking, but over time several have formed hard surfaced frontages for the parking of cars. The application site now has a dropped kerb and vehicular access to its northern side, with hard surfacing for parking of at least 2 cars. There are double yellow lines on the curved junction of Blendworth Crescent/Bedhampton Way but these stop outside the application site where the remainder of the road has no parking restrictions.
- 1.3 The site is enclosed with 2m high close boarded fencing. The site and surrounding land is relatively level and within flood zone 1. There is a public foul sewer that runs along the northern part of the site.

Planning History

07/72297/000 - Erection of 1No. 2 bedroom house with associated car parking.
Erection of a new wall 2m to part of front (east) and whole of north elevation.
- Refused on 30/01/2008 reason - incongruous feature within street scene
- Appeal Allowed on 10 October 2008

3 Proposal

Erection of 1No. 2 bed end of terraced dwelling with associated parking and access.

The proposed dwelling would align in depth and height with the host terrace and provide 2 car parking spaces at the front for each of the proposed and retained dwelling. Materials are indicated to match the host terrace.

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

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

DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control

Advice re Sewer:

The issues of the Public Sewer would be covered by the Building Regulations Approved Document H section 4

The developer needs to enter into a legal agreement with Southern Water Services to either divert the sewer or build within 3 meters of it. This will depend upon size / depth and exact location of the sewer.

The agreement with SWS will mean the exact location of sewer will need to be found and if possible a camera survey regarding its condition. Any work to the sewer should be undertaken by a SWS approved contractor only.

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See

<http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Crime Prevention

None received

Hampshire Highways

The submitted "Existing Site Layout" plan illustrates two vehicles parked directly in front of no.143, however its significantly questioned whether this is indeed the case as the existing vehicular crossover serves a parking driveway area immediately in front of the crossover and adjacent to the area shown on the plans.

Vehicles accessing the area as shown would have to cross the highway verge.

Indeed, the photograph included in the submitted Design and Access Statement shows a vehicle parked upon the driveway in this regard.

The proposed property would utilise this area for the parking of two vehicles immediately in front of the proposed property and this would be considered acceptable. Concern exists, however in line with the above regarding how vehicles in the future would access the proposed parking spaces in front of no.143 without crossing the highway verge. The proposal should make provision for increasing the width of the existing crossover so that vehicles can access and egress the parking driveway in a safe and efficient manner.

The applicant should provide detailed drawings to this effect.

In line with the above, whilst Highways Development Planning raises no in-principle objections to this proposal, a standing objection is currently raised.

HBC will need to determine in their capacity as local parking authority that both properties will be served by a level of parking provision in line with adopted standards

Follow up Revised comment:

Following some clarification by the Planning Case Officer and the applicant in regard to the proposals to extend the existing vehicular crossover to serve the proposed parking area, Highways Development Planning is happy to lift the initial standing objection and confirms that no objections are raised to this proposal.

Natural England Government Team

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.

Public Spaces

None received

Southern Water

Proposed development will lie over existing public foul sewer which is not acceptable to SW.

The exact position of the public sewer must be determined on site before layout is finalised.

It might be possible to divert the sewer, provided no unacceptable loss of hydraulic capacity and carried out at developers expense to the satisfaction of SW. The public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaways should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout.

If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the

development.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Informative requested

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development

Officer Note:

Since the layout cannot be altered and the agent has not provided any sewer investigation information, it needs to be established with SW that there is a reasonable prospect of the sewer actually being capable of being diverted to ensure any consent would be implementable and not ultra vires. Queried with SW and suggested potential pre-commencement condition:

No development hereby permitted shall commence until the sewer is surveyed and precisely located and any diversion or agreement to build within its easement is first agreed by the LPA in consultation with Southern Water. The submitted details shall include measures to protect the sewer during construction works.

Further response from SW

Everything is possible if you throw enough money at it, I can see no particular problem with the condition being added. The sewer is of 450mm dia so would be a critical sewer to be diverted by Southern Water, I would also suspect that there may be a 2011 adoption of private sewers sewer running along the back gardens

Traffic Management

The Traffic team have no adverse comment to make

Waste Services Manager

None 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:

Number of neighbour notification letters sent: 7

Number of site notices: One - posted by applicant/agent due to Covid 19 restrictions

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I submit an objection to this application on the basis that the additional dwelling will be constructed too close to the junction of Bedhampton Way and the additional vehicular traffic to the property will create significant	Noted - see section 7

additional noise and a serious additional risk at a very busy junction which serves school children attending Trosnant school. The junction directly outside the proposed site has enough issues as it is and does not protect pedestrians and school children enough. I further object to the additional noise, smells and loss of privacy at a site that already suffers high levels of noise pollution from traffic and residents. The current site parking arrangements and this proposal will not meet the proposed 4 vehicles parking and current has singular dropped kerb access to 143 Blendworth Crescent only. There is no proposed additional access to serve the additional property at the site. At the very least, this application would need to deliver an extension to the double yellow lines protecting the junction in order to ensure everyone's safety.	HCC consulted and raise no objection to principle of development on highway safety grounds Parking SPD met - see section 7 Plans & D&A do acknowledge need to widen dropped kerb.
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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) Highways and parking
- (v) Drainage
- (vi) Compliance with Habitats Regulations
- (vii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. In this instance the planning history of the site is considered relevant. In January 2008 planning permission was refused under ref 07/72297/000 for the erection of 1 No 2 bedroom house with associated car parking with erection of new 2m high wall to front (east) and side (north) elevation. The reason for refusal related to impact on the character of the area and street scene. However the subsequent Appeal was Allowed by the Inspector in October 2008 but the development never implemented. The Inspectors comments are considered relevant and are considered below.

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

7.3 This was the key consideration in the former appeal and the Inspectors analysis of the

site led him to conclude that the then proposed two storey end of terrace dwelling would not be harmful to the character of the area. He noted that the site did not form a symmetrical junction and hence the openness of the site was no more significant than any other piece of undeveloped land. Since it did not form a characteristic feature then its loss would not compromise the spacious character of the locality. Accordingly the Inspector allowed the appeal. Since the pattern and character of development in the vicinity of the site has not significantly altered since 2008, then it would be difficult to now reach an alternative conclusion.

- 7.4 The current proposal is of similar footprint, height and mass as previously considered at appeal and would be consistent with the character of the area. The proposed dwelling at 5.5m wide with depth, eaves, ridge and fenestration all aligning with the host terrace, would match the strong rhythm, proportions and pattern of development in the area and would be considered to have an acceptable impact on the character of the area, meeting the requirements of the adopted Core Strategy policy CS16.
- 7.5 Since the previous appeal the side boundary hedge has already been replaced with a 2m high fence and this would not change as a result of the proposal.

(iii) Impact upon residential amenity

- 7.6 In terms of impact on neighbouring residents this is likely to be very minimal. Any overlooking from the rear elevation would largely be across to the host dwelling currently in the applicants control, and frontage of No 21 which is set some 15m away. This separation and angle within this established, relatively high density residential area, is such that the marginal change is considered acceptable. It is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the site, compliant with policy CS16 of the HBLP (Core Strategy).
- 7.7 The proposed layout also provides a rear garden depth of about 15m which is in excess of the recommended minimum in the Borough Design Guide SPD and would provide adequate useable private amenity for future occupiers. Third party comment has raised objection to noise, smells and loss of privacy from the proposal, but it is considered that the addition of one more dwelling and household in this relatively high density established residential area would not make such a material difference to justify a reason for refusal.

(iv) Highways and Parking provision

- 7.8 The site is close to the junction with Bedhampton Way but neither Blendworth Crescent or Bedhampton Way are classified roads. As such dwellings on these roads can create new dropped kerbs to serve driveways without requiring planning permission. The existing dropped kerb and paved area serving number 143 is located to the side and would therefore end up serving the proposed dwelling. The submitted plans show 2 frontage spaces for both the existing dwelling and the proposed dwelling which meets the Parking SPD standards for car parking. The additional hard surfacing necessary to serve the existing dwelling at 143 can be undertaken under permitted development rights (Class F of part Part 1) and would need to be porous. However the extended hard surfacing to the frontage immediately adjacent the existing could be visually unattractive and it is considered appropriate to request a frontage soft landscaping scheme to ensure the hard surfacing is broken up eg through the provision of a hedge between the retained and proposed dwelling. These matters were raised at pre-application stage but not forthcoming.

- 7.9 The submitted D&A statement acknowledges that to serve the extended parking area, the existing access arrangements and dropped kerb would have to be amended. It will be necessary to drop the kerb serving the retained dwelling, Nos 143 and this can be done under a section 184 license and does not require planning permission. Whilst the third party objects to the additional vehicular traffic close to the junction, this nevertheless does not need planning permission and cannot be resisted on highway safety grounds.
- 7.10 The Parking SPD also requires secure on site cycle storage and whilst mentioned in the D&A statement this is not shown on the submitted plans. It is nevertheless acknowledged that the site has ample room for a storage shed and this detail can be conditioned. It is also noted that highways and parking matters were not disputed issues in the 2008 appeal. Overall the proposal is considered compliant with policy DM13 and the Parking SPD and HCC have confirmed no objection.

(v) Drainage

- 7.11 The presence of the public sewer running through the site was raised at pre-application stage but no details submitted of any survey work. Southern Water initially objected to the layout of the proposal but following discussions with them have confirmed that in principle this critical main sewer of 450mm diameter could be diverted. This would need to be undertaken via a legal agreement with Southern Water. Accordingly it is confirmed that the presence of this main sewer would not preclude any permission from being implementable. Whilst the sewer diversion could be secured via a pre-commencement condition, the agent argues that this matter is covered by other legislation and is not a material planning consideration. The provision of satisfactory drainage to serve the dwelling would be a matter for Building Regulations to ensure compliance with Approved Document H. In this instance SW have confirmed that in principle the sewer can be diverted, and as such it is agreed that the matter can be finalised via SW and Building Regs and that an Informative alerting the applicant of this obligation would be sufficient.

(vi) Compliance with Habitats Regs

- 7.12 As a proposal resulting in new residential accommodation, 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 (Amendment) (EU Exit) Regulations 2019. 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 Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development of one new residential unit.
- 7.13 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/accept a Grampian style condition to secure the appropriate mitigation packages.

- 7.14 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into the appropriate agreement and signed and returned the Deed and paid the appropriate sum of £562.70. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue, the applicant has indicated a willingness to accept a Grampian style condition to mitigate the harm, pending the Council's solution to the nitrates issue.
- 7.15 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 Grampian style condition/legal agreement to secure the outstanding mitigation package.

(vii) CIL

- 7.16 The development is CIL liable for the net additional internal floor space, which is 63.24sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and 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 CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2019 - 39.73% and 2020 - 49.107%.
- 7.17 The levy to be charged for this development would be £112 per square metre on new floor space plus indexation and calculates as £7,543.63. The Draft Liability Notice has been sent to the agent.

8 Conclusion

- 8.1 The proposed dwelling is considered to respect the pattern and scale of the host terrace and surrounding development. Whilst it would project further north towards Bedhampton Way, the adjacent open grassed area and lack of symmetry on the corner are such that the additional dwelling would not compromise the overall spacious character of the area. With conditions to ensure adequate provision of detail with respect to nutrient neutrality, cycle storage, frontage landscaping, the proposal is considered to provide an additional dwelling in a sustainable manner in accordance with both national and local policy. It is therefore recommended for conditional planning permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00298 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:
Planning and Design and Access Statement by Stephen Andrews
Location and Site Plans Drawing Number 004
Proposed Floor Plans Drawing Number 001
Proposed Front and Rear Elevations Drawing Number 002
Proposed Side Elevation Drawing Number 003
Reason: - To ensure provision of a satisfactory development.
- 3 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.

- 4 The external materials used shall match, in type, colour and texture, those of the host dwelling and terrace as far as practicable.

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

- 5 The hereby approved dwelling shall not be occupied until details, including siting, size and height, elevations and materials of a cycle store have been submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall thereafter be provided before first occupation of the dwelling, and retained for its use in accordance with the details thus approved.

Reason: To ensure the appearance of the development and the height and design of the cycle shed is satisfactory, having due regard to Policies CS16 (1) and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The dwelling hereby approved shall not be occupied until a detailed soft landscaping scheme for all open parts of the site frontage including the frontage boundary between the hereby approved dwelling and number 143, has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the distribution and species of shrubs/hedge plants and ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree 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 policy CS16 9 (1) of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.