
Site Address:	70 High Lawn Way, Havant, PO9 5BT		
Proposal:	Erection of 1No. 2 bed dwelling attached to 70 High Lawn Way with associated parking.		
Application No:	APP/19/00612	Expiry Date:	09/09/2019
Applicant:	Mr Kirby	Extension of time:	12/12/2019
Agent:		Case Officer:	Bee Crawford
Ward:	Battins		

Recommendation: **GRANT PERMISSION**

1 Site Description

70 High Lawn Way is a two storey terraced property set within Leigh Park and the defined urban area. The dwellinghouse is constructed of facing brickwork and concrete tiles and is set within a generous plot comprising a garden laid with lawn and surrounded with a curtilage boundary constructed of a mixture of 0.9m and 1.8m closed boarded fencing.

The surrounding area is residential in character featuring two storey semi-detached and terrace dwellings to the north, east and west.

2 Planning History

3 Proposal

The proposal is for the Erection of 1No. 2 bed dwelling attached to 70 High Lawn Way, to continue the terrace of dwellings, with the same design of these buildings. with associated parking. A parking provision of two spaces is proposed to the front of No 70 with two parking spaces, with the new dwellings parking provision being located at the rear of the property. in the south amenity space to serve the new dwelling. This application has been amended during the course of the application, which has resulted in the reduction of the width of the property by 1 metre.

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)

CS14	(Efficient Use of Resources)
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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Location of solid waste storage should comply with collection agency requirements and Approved Document H requirement

Building Regulation consent will be required for this work

Community Infrastructure

CIL and SRMS liable

Arboriculturalist

There is a poor quality multi stemmed Sycamore which may be affected by this proposal however it is not suitable to be protected by a TPO therefore I have no objection.

Highways

No objection subject to the following Condition

Prior to the first use of either access the car parking spaces they serve will be surfaced in a non-migratory material and maintained in this condition thereafter.

Natural England

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.

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: 19

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

Appropriate Assessment

The application has also been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to a net increase in population, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. Furthermore the development is not necessary for the management of the European sites .

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, and the contribution and deed in respect to the Solent Mitigation Project together with confirmation through a European Site Avoidance and Mitigation Checklist the applicant's commitment to providing a mitigation package have been received.

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.

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) Residential amenities of the proposed dwelling
- ____(v) Parking

(i) Principle of development

The application site is situated within an urban area as defined by policy CS17 where further development is considered acceptable subject to the usual development control criteria. Policy CS9 supports new dwellings which help the Borough achieve its allocated housing requirement and therefore the principle for the additional dwelling is acceptable.

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

The works propose a two bedroom dwellinghouse to be built to the north side of No 70 High Lawn Way a width of approximately 5.3m and depth of approximately 6.8m for the two storey element and 9 metres including the single storey ground floor element. The works would extend the terrace of dwellings, concerns were raised during the application that the proposed scale of the dwelling, through an excessive width would be out of keeping with the rhythm of the terrace, as such amended plans have been received, which have reduced the width by 1 metre, and the development now reflects the layout and scale of the existing buildings. Although this would disrupt the immediate pattern of housing, and have build form closer to the side boundary it is noted that street scene of High Lawn Way is varied and contains semi-detached, link

detached and terrace dwellings. Therefore, the works are considered to not disrupt the pattern of development significantly and would have an acceptable visual impact on the locality of the area which complies with policy CS16 of the Havant Borough Local Plan (Core Strategy).

The application site has a adequate plot size t and can accommodate the proposed dwellinghouse without creating a cramped and crowded appearance in the streetscene. The works shall retain a amenity space to the front, side and rear therefore reducing the visual dominance of the development and from being built in matching materials to that of No 70 the works are considered to look in keeping to the immediate locality and not out of place.

The removal of the front curtilage boundary and development of the dropped kerb to accommodate two parking spaces to the front of No 70 is considered to reflect the typical pattern of parking provisions to the front of dwellings within the streetscene. Multiple neighbours have carried out similar development and therefore this is considered to not look out of keeping on No 70 and shall be in keeping to the immediate locality and character of the area. The development is considered to be acceptable.

(iii) Impact upon residential amenity

The works have the potential to impact No 68 High Lawn Way. Although the works shall bring development in closer proximity to the dwellings to the south west including two first floor windows in the south side elevation, these neighbours would be separated an adequate distance from the proposed works from the proposed development of over 30m. This is considered a sufficient distance to ensure the amenity of these neighbours is not impacted significantly and no direct overlooking occurs.

(iv) Residential amenities of the proposed dwelling

Both the proposed dwelling and the existing property would retain a garden length of over 14 metres, which complies with Borough Design Guide.

(v) Parking

The proposed dwellinghouse can accommodate two spaces onsite to the south of the site which accords with the Boroughs Parking SPD for a two bedroom home. The existing dwelling would provide two car parking spaces in the front garden. Although this would remove the amenity space currently in place to the front of No 70 and the attractive appearance of the dwellinghouse that accompanies it, it is noted that most dwellings along High Lawn Way have a parking provision to the front.

Therefore, the works proposed to No 70 are considered to not look out of keeping nor detract significant character from the area as a result and are therefore considered to be acceptable. The dropped kerbs shall need to be applied for via County Highways and therefore an informative shall be included with the decision recommending this. In addition the Highway Authority have noted that the proposed car parking for the new dwelling may require alteration to the traffic calming measures in close proximity to the car parking area. An informative has been added that any changes requires the consent of the Highway Authority. In overall conclusion the required provision can be met and complies with the Parking Standards SPD.

(vi) Developer Contributions

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council

on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Leigh Park. A draft liability notice has been sent to the applicant for £8,607.50.

8 **Conclusion**

The proposed scheme for an additional dwelling to the side of No 70 with appropriate conditions shall not give rise to any undue amenity space issues, has an acceptable impact on the character and appearance of the area and neighbouring residents and is acceptable in highway terms. The proposal is therefore considered to accord with the relevant Local Plan and Allocations Plan policies and the guidance set out in the Borough Design Guide SPD and the NPPF. The application is therefore recommended for permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00612

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 - Drawing number:101

Block Plan - Drawing number:102 dated 21/9/19

Existing and Proposed elevations - Drawing number: 103 dated 21/9/19

Proposed plan view (floor plans) Drawing number:105 dated 21/9/19

Reason: - To ensure provision of a satisfactory development.

- 3 The car parking and associated dropped kerb, servicing and other vehicular access arrangements shown on the approved plans (Block Plan Reference 102 dated 21/9/19) to serve the new dwellinghouse hereby approved and existing dwellinghouse No 70 shall be made fully available for use prior to the occupation of the dwelling hereby approved 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.

- 4 Prior to the first use of either access the car parking spaces they serve will be surfaced in a non-migratory material and maintained in this condition thereafter.
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.
- 5 The external materials used shall match, in type, colour and texture, those of the existing building so 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.
- 6 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.