
Site Address:	Land adj. 93 Winterslow Drive, Havant, PO9 5DZ		
Proposal:	Erection of 2 No.2 bed dwelling houses with associated parking. (Revised application).		
Application No:	APP/19/00883	Expiry Date:	01/11/2019
Applicant:	Mr Comley		
Agent:	Miss Roberts	Case Officer:	Lewis Oliver
	Critchley Architecture and Design Ltd		
Ward:	Battins		

Recommendation: **REFUSE PERMISSION**

1 Site Description

93 Winterslow Drive is located on the north east corner of Winterslow Drive. The property currently benefits from a large plot which measures approximately 20m in width by 30m in depth. The site remains in a poor state and there are no trees on the site. The site is adjacent to Bondfields Plain, a large area of open space.

2 Planning History

APP/19/00635 - Erection of 2 No.3bed dwelling houses with associated parking.,
Refused on 16/08/2019 for the following reasons:

1 The proposed development would by reason of its size, design and prominent siting be harmful to the existing character and appearance of the area conflicting with the established pattern of development, and visual and spatial characteristics and setting of the street scene of Winterslow Drive. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2019.

2 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas due to the increase in recreation as a result of the development, and so is contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

3 The proposal, in the absence of an assessment of nutrient discharge and without completion of the appropriate binding arrangements in relation to off setting any increase, is likely to have a significant effect on internationally designated ecological sites (Special Protection Areas, Special Area of Conservation and potential SPA designations). The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

4 The proposal would constitute an undesirable over-intensive use of the site. The

proposed car parking would dominate the frontage of the properties and as such the development would result in a cramped and contrived layout which would have an adverse effect on the amenities of the area and the living conditions of the occupants/owners of the existing and proposed dwellings. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

09/70495/005

Erection of 1No. 3 bed and 1No. 1 bed semi detached dwelling with associated car parking and landscaping utilising existing access onto Winterslow Drive. Refused 16.11.09. The application was refused for the following reason:

The proposal would constitute an undesirable over-intensive use of the site. The proposed car parking would dominate the frontage of the properties and as such the development would result in a cramped and contrived layout which would have an adverse effect on the amenities of the area and the living conditions of the occupants/owners of the existing and proposed dwellings. The proposal is therefore contrary to saved policies D1 and T7 of the Havant Borough District Wide Local Plan 1996-2011 which forms part of the part of the Havant Borough Local Development Framework and, PPS1 of Planning Policy Guidance and PPS3 of Planning Policy Guidance.

Appeal dismissed 18/5/10 - The Inspector concluded that the proposal would have a significant adverse impact on the character and appearance of the area and due to the proposed parking arrangement would result in the potential to cause significant inconvenience to existing and future residents to the detriment of their living conditions

08/70495/004

Erection of 2No. 3 bed detached dwellings with associated car parking and landscaping utilising existing access onto Winterslow Drive. Refused 15/10/08 Dismissed at appeal 15/01/09. The application was refused for the following reason:

The proposal would constitute an undesirable over-intensive use of the site. The proposed car parking would dominate the frontage of the properties and as such the development would result in a cramped and contrived layout which would have an adverse effect on the amenities of the area. The proposal is therefore contrary to saved policies D1 and T7 of the Havant Borough District Wide Local Plan 1996-2011.

06/70495/002

Outline application for 1No. detached dwelling. Resolved to grant consent under delegated powers. However, the Section 106 Agreement was never signed. Therefore letter was sent to Mr Lewry (previous application) at 24 Hazelton Way stating that if we have not received a response within 14 days the application would be recorded as not proceeded with. No response therefore the application was not proceeded with.

3 Proposal

The proposal is for the erection of 2 No.2 bed dwelling houses with associated parking. (Revised application).The dwellings would be 2 storeys in height, the overall ridge height would be 7.5 metres.

The existing driveway serving an informal parking space in the front garden of 93 Winterslow Drive would be converted to serve as an access to the existing property and the proposed pair of dwellings. Four parking spaces would be provided within the site, with a car turning area.

The main differences between the previously refused scheme (APP/19/00635) and the current application is that the proposed development is for two dwellings attached to the existing dwelling, therefore proposing to continue the terrace of dwellings. The layout of this revised proposal sets back the dwellings into the plot, in combination with the size, scale and massing being reduced. Furthermore the car parking layout has been amended and includes an element of additional landscaping.

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)
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)

Pre-submission Havant Borough Local Plan 2036

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process.

The relevant planning policies of the emerging Local Plan are:

- IN1 - Effective Provision of Infrastructure
- IN3 & 5 - Transport and New development
- E12 - Low Carbon Design
- E15 - Protected Species
- E16 and E17 - SRMS and SPA

E22 - Amenity
H1- High Quality Homes
H3 - Housing Density
H4 - Housing mix

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

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Building Regulation consent will be required for this work

Compliance with Approved Document B section 5 Fire Authority access to be complied with show compliance with 45m rule

Front entrance door opens within 400mm of stair and therefore fails to comply with Approved Document K requirements

Solid waste storage to be brought to front of house on days of collection

If loft area is to be habitable protected staircase will be needed including fire doors to habitable rooms off staircase

Compliance with Approved Document E will be needed for bedroom 1 Party wall on 93B

Community Infrastructure, Planning Policy & Urban Design

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/unilateral-undertaking-solent-recreation-mitigation-strategy>.

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

Conservation Officer, Development Control

No Objection

Crime Prevention -Minor Apps

No response

Hampshire Highways

You will be aware of my response to another application for the same development on this site sent earlier this year. From the highway point of view this scheme is better than the last in that it has enough space to conveniently turn vehicle within the curtilage of the site. I note the previous application was refused permission without a highway related reason.

I therefore confirm the Highway Authority have no objection to this proposal.

Natural England Government Team

Natural England agrees with the conclusion of your Appropriate Assessment in that the proposal has not fully mitigated its impacts on the European Designated Sites. In the

absence of mitigation being secured in line with the Solent Recreation Mitigation Strategy and the Position Statement on Nutrient Neutral Development, we advise your authority that there remains an adverse effect on the integrity of the European Sites and any permission would therefore be contrary to the Habitats Regulations (2017 as amended).

Waste Services Manager

No response

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: 4

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 6
Including a Petition signed by 18 residents

Comment	Officer Comment
Adverse impact on the character and appearance of the area - whilst noting the changes to the scheme, including the reductions in size and scale, this development would still have an adverse impact on the character and appearance of the area	Addressed in section (ii) Impact upon the character and appearance of the area
Adverse impact on the amenities of neighbouring properties	Addressed in section (iii) Impact upon residential amenity
This development has not addressed the previous concerns, which will make the existing parking issues in the area significantly worse, and cause a safety hazard	Addressed in section (iv) Impact on highways and parking
Concerns about flooding	The site is in Flood Zone 1, which has the lowest probability of flooding, matters such as drainage for a development of this scale would be secured through the Building regulation process
Loss of property value	This is not a material planning consideration
Loss of private view	This is not a material planning consideration

7 **Planning Considerations**

- 7.1 The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HRA) of the proposed development.

Recreational Pressure

- 7.2 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.
- 7.3 The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24. However, this has not been secured by binding arrangements.

Water Quality

- 7.4 There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.
- 7.5 The applicant has not been able to provide enough information in order to undertake any assessment regarding the impact of the proposed development on water quality. As such, it is not possible to reasonably assess whether the application would achieve nutrient neutrality.
- 7.6 There remains a likely significant effect from the proposed development on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA. As such, it would not be lawful for the Local Planning Authority to grant planning permission for the proposed development.
- 7.7 In other respects, 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) Impact on highways and parking
 - (v) Developer Contributions
- 7.8 (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. The addition of two new dwellings in such a location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. That said, the Council can

currently demonstrate a 5-year housing land supply and therefore there is no 'tilted balance' relating to residential proposals, as set out in the NPPF. The updated NPPF 2019 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...".

- 7.9 It should also be noted that the Council has its emerging Pre-Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

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

Both the immediate vicinity and wider locality are residential in character. The residential layout generally comprises terraces of four properties or pairs of semi-detached properties set back from the highway, which use similar materials in the form of brick and tiles. This gives the area a distinctive character. There are generally gardens to the front and rear with generous side garden areas provided where terraces adjoin street corners. There are also several grassed areas in the vicinity in the form of verges which together with the set back of houses and parking bays, contribute to a sense of openness. The amenity space provided to the west of the existing dwelling at 93 Winterslow Drive forms a part of the spacious residential character of the vicinity. Previous applications were refused and dismissed at appeal by virtue of having a significant adverse impact on the character and appearance of the area.

As has been outlined the main differences between this application and the last previous refusal (APP/19/00635), are in terms of the amended layout, and the reduction in terms of the size, scale, massing and design of the proposal. With regard to this element the proposal would now largely be read within the context of the existing terraced properties, albeit that the units would be set back into the plot, in order to accommodate the revised parking layout. As such it is considered on this element that the proposal would in terms of the visual impact of the dwellings themselves be an improvement from the previous scheme, and it is considered that the dwellings, when considered in isolation, would not have a significant adverse impact on the character and appearance of the area, and has overcome reason for refusal 1 of APP/19/00635.

Notwithstanding the above, previous applications have been refused regarding the development of the site for two dwellings constituting an undesirable over-intensive use of the site. The Inspectors in dismissing the previous appeals (08/70495/004 and 09/70495/005) and the LPA in application APP/19/00635 raised concerns that the proposal would constitute an undesirable over-intensive use of the site. The amendments to this application are noted, including the revised parking layout proposal and some further limited elements of landscaping, this time providing further landscaping on the eastern boundary, which is the furthest away from public vantage points, and a small area of grass, and limited landscaping directly in front of the

existing property of no.93. However, this proposal would still dominate the frontage of the properties, and as such the development would result in a cramped and contrived layout which would have an adverse effect on the amenities of the area and the living conditions of the occupants/owners of the existing and proposed dwellings.

Notwithstanding the amended layout, the proposed parking arrangement would result in manoeuvring right up the front doors of the proposed dwellings, and given the limited space result in awkward manoeuvring to access the parking area, and to leave the site.

As such it is considered that the revised parking layout has not addressed the concerns raised by the previous Inspectors in dismissing those appeals or reason for refusal 4 of the previous application APP/19/00635. The arrangements still appear cramped and contrived and would have a detrimental impact on the living conditions of residents of the existing and proposed properties. The agent was advised by the Local Planning Authority that having regard to the extensive history, including appeal decisions, for this site that given the constraints of this site that only a single dwelling could potentially be accommodated on this site.

On the above basis, it is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious character. The harm that would be caused to the character and appearance of the area would outweigh the benefits of providing 2 dwellings, which comprises two bedroom units. As such it is considered that this proposal would conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2019, and has not addressed the previous appeal decisions, or the previous application on this site.

(iii) Impact upon residential amenity

It is considered that the proposed dwellings have been reasonably designed in terms of potential overlooking to the residential property 87 Winterslow Gardens. The windows are approximately 22.1m away from the boundary with No.87 Winterslow Drive and therefore given this degree of separation it is not considered that the development would have a significant adverse impact with regard to overlooking. Furthermore it is considered that the development by virtue of its layout, size and scale would not result in a significant adverse impact on the amenities of neighbouring properties with regard to loss of sunlight/daylight or overbearing impact.

(iv) Impact on highways and parking

The proposed development requires two car parking spaces per unit and as such there would be a requirement for four off road parking spaces to meet the requirements of the Borough Parking SPD. This application does provide the required number of spaces, however as outlined above concerns exist over the feasibility and use of these spaces in terms of their impact on the living conditions of residents. It is noted that significant concerns have been raised by a number of local residents that the proposal would result in the loss of existing parking provision, in an area where parking spaces are in short supply as many of the dwellings in the area do not have off-street parking. This proposal would utilise the existing crossover and access to the site from the highway, and therefore the proposed development will not decrease the amount of on street parking.

Overall it is not considered that this proposal would have a significant adverse impact

on the safety or free flow of the highway network to justify a reason for refusal of this matter.

(v) 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 Havant.

8 Conclusion

Whilst it is considered that this proposal in terms of the design, scale, massing and design of the dwellings is an improvement from the previous application, it is still considered that the proposal would constitute an undesirable over-intensive use of the site. The proposed car parking would still dominate the frontage of the properties and as such the development would result in a cramped and contrived layout which would have an adverse effect on the amenities of the area and the living conditions of the occupants/owners of the existing and proposed dwellings. The revised layout is not considered to have satisfactorily addressed previous reasons for refusal in this regard, which have been upheld by Inspectors at appeal.

Furthermore, essential mitigation measures in relation to the development's impact upon the Solent SPA sites have also not been secured and the applicant has not been able to provide information in order to undertake the necessary assessment regarding the impact of the proposed development on water quality.

These matters are considered to outweigh the limited benefits that would arise from the addition of two new dwellings, which would make only a very modest contribution to the Council's housing requirements, and in respect of which a 'tilted balance' cannot be said to apply. The recommendation is therefore to refuse this application.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00883 for the following reasons:

- 1 The proposal would constitute an undesirable over-intensive use of the site. The proposed car parking would dominate the frontage of the properties and as such the development would result in a cramped and contrived layout which would have an adverse effect on the amenities of the area and the living conditions of the occupants/owners of the existing and proposed dwellings. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.
- 2 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas due to the increase in recreation as a result of

the development, and so is contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

- 3 The proposal, in the absence of an assessment of nutrient discharge and without completion of the appropriate binding arrangements in relation to off setting any increase, is likely to have a significant effect on internationally designated ecological sites (Special Protection Areas, Special Area of Conservation and potential SPA designations). The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.