

Recommendation: **GRANT PERMISSION**

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Clare Satchwell - Hayling East

No comment.

Councillor I Scott Hayling West

No comment.

Councillor Joanne Thomas

No comment.

Building Control, Havant Borough Council

Bin storage location for the new dwelling to be provided.

Officer comment: There is sufficient room within the site to provide bin storage.

Community Infrastructure - Comment

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 -Minor Apps

No comment.

Building Control

Bin storage location for the new dwelling to be provided.

Hampshire Highways

A new access is to be provided through the frontage hedge which has grown very close to the edge of South Road. A hole for the access to provide parking for the existing dwelling is proposed through the hedge and when the visibility splay requirement is added, I suggest 2.4m. x 33m. for 25 MPH approach speeds the majority if not all of the hedge will be lost.

I confirm the Highway Authority have no objection subject to :-

Conditions

1. Prior to use of the new access commencing any gates provided shall be set back a

minimum of 6m. from the carriageway edge and this length of access shall be surfaced in a non-migratory material, and maintained in this position/condition thereafter.

2. Prior to use of the access commencing visibility splays of 2.4m. x 33m. shall be provided. Within these splays anything between 1m. and 3m. above the adjacent carriageway level shall be cleared. The splays shall be maintained thereafter at all times.

Note to Applicant

Before undertaking any work which affects a public highway you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk

Natural England - 1st Comments

Recreational disturbance

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

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Deterioration of the water environment

With regard to the integrity of the designated sites, we advise that there is currently uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the international sites.

There is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future housing growth without having a detrimental effect upon the water environment. A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures. However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

The proposal comprises new housing development and has inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and

Species Regulations 2017.

It is Natural England's view that there is a likely significant effect on the internationally designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing. As you are aware, where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Natural England advises that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. LPAs will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens. Natural England has prepared a methodology setting out how this can be achieved and this is attached for your information. It is appreciated that this may be difficult for smaller developments or developments on brownfield land. Natural England has advised that your authority set up an interim approach that developments can contribute to thereby ensuring that this uncertainty is fully addressed by all applications. Natural England is working closely with affected local planning authorities to help address this issue. Natural England can also provide further advice to the applicant on mitigation options under our [Discretionary Advice Service](#).

Please note we advise that the competent authorities to whom Natural England gives its statutory advice on the environment will need to seek and rely upon their own legal advice on the interpretation of the Habitats Regulations and case law.

Biodiversity and protected species

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the [Hampshire Biodiversity Information Centre](#) and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

We encourage all developments to achieve a net gain in biodiversity. The attached Annex A includes opportunities for enhancement such as planting native species in gardens and landscaping, as well as the addition of bird and bat boxes. Net gain is also possible for small scale development where there are limited opportunities on-site as contributions can be taken for offsite projects to help enhance the wider biodiversity opportunities in the Borough.

For example, proportional contributions could be taken to plant new trees in the city, provide new bat and bird boxes, help manage the Borough's wildlife sites etc.

Natural England - 2nd Comment - No Objection

No objection subject to mitigation

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

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 all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Solent Recreation Mitigation Strategy

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. Please note that the rates were updated as of 1 April 2020.

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.

Deterioration of the water environment

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.

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

No comment.

Waste Services Manager

No comment.

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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Confirm large hedges at the front will remain in place.	See Section 7 below.
Development too close to northern boundary	The plan has been amended to show a 1m gap with the northern boundary

7 Planning Considerations

Habitats Regulation & Appropriate Assessment

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 the result 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 a Grampian condition/enter into a legal agreement to secure the mitigation packages.

A Unilateral Undertaking has been completed and returned for the Solent Mitigation Recreation Strategy and the fee of £705.65 has been paid.

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) Community Infrastructure Levy

(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. It is recognised that the development would make a modest contribution towards housing need in the Borough which weighs in favour of the development. However, this must also be assessed against the site specific impacts of the proposed development.

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

The proposal is for a chalet bungalow, stepped to the front, which would be reflective of existing development within the locality, which would blend in with the wider area that is a mixture of house styles, designs and materials. The proposed materials would be brick with rendered block and stone work finish, with cedar cladding at first floor on the elevations and dormers. Profile concrete tiles are proposed for the roof. The size of the proposal would be appropriately 9m wide, 14.5m long, and 6.5m high.

The proposal would be located to the north of the existing property, replacing a single storey double garage. The proposal would be forward of the existing dwelling but stepped back from the development to the north. As to the western boundary, this benefits from a mature hedge, part of which would have to be removed to create a new access for the existing property, with the remainder reduced in height to provide lines of sight (ie no higher than 1m. (See Parking and Highway Section below)). The mature hedge, which at the time of the site visit was over 2m in height, was an attractive feature in the street scene and its partial loss/reduction in height would detract from the character and appearance of the area. However, this has to be balanced against the fact, that there are no controls over the retention of the hedge, which currently could be removed at any time. However, in mitigation, a condition requiring a hedge to be planted behind the lines of sight to thereafter be retained and maintained in that position, is considered to be reasonable and necessary. If permission is forthcoming, a condition to this effect would be recommended as would the two recommended highway conditions.

The proposal would be viewed from the public realm, but in this residential area would not be out of keeping with the character and appearance of the locality and would not be significantly harmful to the street scene.

Overall the design and appearance of the proposal is deemed appropriate in context of the surrounding area and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iii) Impact upon residential amenity

The proposal would be to the south of 6 South Road, which has a number of windows at ground and first floor on this elevation. Following amended plans, the separation distance from the northern boundary would be approximately 1m, which increases to approximately 6m, to the south facade of No. 6, with the neighbour's drive way in between. There is a mature hedge along this boundary, where the development is proposed. Due to the separation and the design of the development with the roof sloping away from 6 South Road, the proposal would not be significantly harmful in terms of overshadowing, dominance or loss of light.

At ground floor level on the proposal, to the north, there would be 4 windows, 3 of which would service a study and lounge (2 of which would be high level), with the 4th servicing a cloak room. With screening along the northern boundary, this should not cause significantly overlooking to the neighbours to the north.

As to the south the separation with No. 4. would be over 2m. Currently there is no boundary treatment along this boundary as it forms the side garden of 4 South Road. If permission is forthcoming a condition is recommended that before occupation of the dwelling, details of the boundary treatment along the southern boundary shall be submitted to the Local Planning Authority for approval and thereafter implemented.

As to No. 2 South Road to the south, due to the separation distance of approximately 23m and the boundary treatment which includes vegetation, the proposal would not have a significant impact on the amenities of the occupiers of this property.

Within the northern elevation of number 4 South Road, there are 5 windows. Two at ground floor, one between floors serving a stairwell and two at first floor. One of these windows services a bathroom, the other a bedroom. Due to the orientation of this elevation to the north, the separation distance of over 2 m and the design of the proposal, it would not be material harmful to the amenities of the occupiers of this property.

As to the dormers in the roof, two windows are proposed within the north dormer, which would service a bathroom and stairwell. As to the dormer on the south elevation, this would service an en-suite and bathroom. If permission is forthcoming it is recommended, that all the windows at first floor are obscurely glazed with top openings to prevent overlooking of neighbouring properties.

To the front of the property, which is stepped in design, windows are proposed. However, any overlooking would be restricted to front gardens and not private amenity space and such overlooking would not be materially harmful to the amenity of residents and to be expected in a residential estate.

To the rear a Juliet balcony with windows to the side is proposed. Due to the location of the proposal in relation to neighbouring properties this should not introduce an unacceptable level of overlooking or loss of privacy in this residential area.

The rear garden of the proposal would exceed 10m in length, with the length of the rear garden of the existing property approximately 12m (coupled with a large front garden), which accords with the Havant Design Guide SPD.

Consequently, 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 application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Highways and parking

The proposal for the new dwelling does not alter the existing access arrangements, with parking shown for 2 spaces. As a 3 bed dwelling the proposed parking meets the requirements of the Havant Borough Parking SPD and Policy DM13 of the HBLP (Core Strategy). With regard to the existing dwelling, a new access with 3 car parking spaces for this 4 bed dwelling are proposed, which likewise complies with policy.

The Highway Authority has no objection to the new dwelling, but has commented on the new access, recommending the imposition of 2 conditions, which require the access to be set back a minimum of 6m. from the carriageway edge with visibility splays of 2.4m. x 33m. Within these splays anything between 1m. and 3m. above the adjacent carriageway level should be cleared. To achieve the access and the lines of sight, part of a mature hedge along the western boundary would need to be removed, with the remainder reduced in height to 1m, which would detract from the street scene. However, as stated above, to mitigate the loss/reduction in height of the hedge, a condition is recommended, requiring a hedge to be planted behind the lines of sight to thereafter be retained and maintained in that position.

(v) Community Infrastructure Levy (CIL)

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 Examiner's 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 £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Hayling Island.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the dwelling has been calculated by the agent as 198 sqm which generates a current CIL liability of approximately £29,523.21. The applicant is claiming self build exemption.

8 Conclusion

The proposal would be a modest addition to the Council housing stock, and would not have a significant impact on the street scene, or the residential amenity of neighbours. The parking and access provision would be appropriate and the mitigation measures for the Solent Recreational Mitigation Strategy and nutrient neutrality have been addressed. It is therefore recommended that conditional planning permission be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01161 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:
Existing & Proposed Site Plans - Drawing No. MT/1547/3 Revision A
Proposed Elevations & Floor Plans - Drawing No. No. MT/1547/3A
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 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to use of the new access commencing visibility splays of 2.4m. x 33m. shall be provided. Within these splays anything between 1m. and 3m. above the adjacent carriageway level shall be cleared. The splays shall be maintained thereafter at all times.

Reason: In the interest of highway safety and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Prior to use of the new access commencing any gates provided shall be set back a minimum of 6m. from the carriageway edge and this length of access shall be surfaced in a non-migratory material, and maintained in this position/condition thereafter.

Reason: In the interest of highway safety and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No part of the development for the dwelling hereby approved shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and the occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The new access onto South Road hereby approved shall not be used until details of the hedge to be planted behind the lines of sight have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be planted in the next planting season, following the approval of the scheme, in accordance with the approved details. The hedging shall thereafter be retained and maintained as approved, unless otherwise agreed in writing with the Local Planning Authority.

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

- 9 The car parking and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use 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.

- 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 south and north elevations 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.