
Site Address:	1A St James Road, Emsworth, PO10 7DN		
Proposal:	Demolition of existing bungalow. Erection of 2No. 4bed dwellings with parking and cycle storage.		
Application No:	APP/19/01240	Expiry Date:	11/02/2020
Applicant:	Mr Luckas		
Agent:	Mr Eitel	Case Officer:	David Eaves
	Fiftypointeight Architecture + Interiors		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 1A St James Road, Emsworth, lies to the west of St James Road. The site is occupied by a bungalow which has been unoccupied in recent times. The site was formerly very overgrown but has now been mainly cleared with the removal of much of the original vegetation.
- 1.2 St James Road is characterised by a variety of dwelling types and designs with bungalows, houses and chalet style properties including detached, semi-detached and terraced properties. The existing bungalow is of traditional style with white render and brick and hipped tiled roof and a flat roofed garage to the northern side.
- 1.3 To the south is a semi-detached pair of two storey houses with a mix of brick and stone cladding to the ground floors, render to first floor and slate and tile roofs. To the east are a short terrace of more modern houses. To the north are semi-detached houses fronting Victoria Road set well of the common boundary with long rear gardens. To the south-east are detached bungalows.

2 Planning History

APP/19/00911 - Demolition of existing bungalow. Erection of 3No. 3bed dwellings with parking and cycle storage., Withdrawn, 09/12/2019

3 Proposal

Demolition of existing bungalow. Erection of 2No. 4 bed dwellings with parking and cycle storage.

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)
CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM25	(Managing Flood Risk in Emsworth)
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)

Emsworth Neighbourhood Plan - Post Examination Version 2020

Policy L1 General Housing Policy
Policy M1 Cycle Storage Provision
Policy D1 General Design Policy
Policy D2 Height, Mass & Materials
Policy D3 Layout, Form & Density

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

Further Comments

The Oak tree to be removed has very poor form and does not meet the criteria to be protected by a Tree Preservation Order. I have no objection to its removal on the condition that a replacement Oak is planted as per the attached drawing. The tree should be a minimum 1.5m tall at the time of planting and comply with BS3936:Part 1:1992.

The off-site Birch shown to be removed is also in a poor condition and can be removed under the dead/dangerous exemption of the TPO, however it is an off site tree and outside of the applicant's control. Whether the tree is removed or not, it is not a constraint to the development and I therefore have no objection to the proposal.

Is it possible to add a condition that if the tree is removed, a replacement *Betula pendula* should be planted within 2m of the tree being removed, it should be 1.5m tall at the time of planting and comply with BS3936:Part 1:1992.

Please add an informative note to applicant that states that the Birch cannot be removed without first obtaining the tree owners permission.

Officer Comment: The felling of the Birch Tree is beyond the applicants control as it is sited outside the application site. An informative has been added in relation to any works to this tree.

Original Comments

The offsite TPO'd Silver Birch has lost its top and is in decline. The Oak tree has now been accurately plotted and is shown for retention. An Arboricultural Method Statement and Tree Protection Plan should be provided to ensure it is adequately protected during the course of development.

Building Control, Havant Borough Council

No comments on details provided at this time.

Building Regulation application will be required for this work

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, so in this instance based on 1 X 4 bed dwelling. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

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

Crime Prevention -Minor Apps

No comments received.

Hampshire Highways

You will be aware of the recent withdrawn application on this site for a third dwelling which was withdrawn.

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

Condition

Prior to occupation of the first dwelling the area shown for the parking and manoeuvring of vehicles shall be surfaced in a non-migratory material. These areas shall be so maintained thereafter.

Note to applicant

Before undertaking any work which affects a public highway (including a public right of way) 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 to the alteration of an existing vehicle access involving excavation within a footway, verge or carriageway or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk

Landscape Team

No comments received.

Natural England Government Team

Thank you for consulting Natural England on the above HRA and AA. Apologies for the late response on this occasion.

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.

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

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.

Comment	Officer Comment
<u>Objection to revised plans</u> I am writing to you in connection with the above planning application, which has been assigned to you as Case Officer. Having examined the application documentation currently submitted and under consideration, I wish to object strongly to the proposed development before you on the following grounds – 1. We request a condition is added to any planning consent to remove Permitted Development Rights. This is essential to safeguard development and neighbouring properties from future extensions including loft conversions etc. Any future development to the site will seriously impact further the privacy of neighbouring properties and must be regulated & approved by HCC to ensure adequate future protection & assurance is given to neighbours.	A condition in relation to permitted development rights is recommended.

2. The size of the rear gardens are dis-proportionate and too small for the size of the dwellings proposed at just 9.4M. This falls short of the stated 10m requirement outlined in the Borough Design Guide SPD which supplements Policy CS16.	See Part 7
3. The rear 'Juliette' balconies would overlook a large portion of our rear garden which incidentally wraps itself around the complete length of rear boundary to the proposed dwellings. The rear gabled elevations and 'Juliette' balconies would create a loss of privacy and an unacceptable overbearingness detriment to the enjoyment of our garden area. In addition, even with the proposed hedges providing screening between 1a and 1 St James Road the 1st floor balcony and windows will still likely have a direct view into the kitchen/diner and playroom of 1 St James Rd seriously impacting on our privacy.	Impacts on residential amenity are considered in Part 7 The balconies are not step out and any view to the south would be at an angle.
4. The proposed Site Plan does not accurately reflect the complete garden associated with 1 St James' Road. The area highlighted in blue below is the land registered to 1 St James' Road, our main seating area falls directly in the sight line of the downstairs & upstairs rear windows of both proposed properties. (Please note that this sketch is not to scale, drawings can be provided from Land Registry & and Chartered surveyor if required.)	Issues of land ownership have been raised with the applicant and plans amended. This is a private legal matter between the parties.
5. Parking in St James Road is a concern, cars are continually parked on the pavements along large sections of the road. St James Rd is often used as a car park for the local train station, church and restaurants. Parking restrictions in place along St James Rd are often ignored and relaxed during the evening and Sundays having a further impact on the local residents. The corner on which the new development is located often has cars performing turns & speeding through using St James Rd as a rat run. Although the new development has five dedicated car parking spaces the likelihood is any larger vehicles/vans/visitors will require on street	Parking and highway issues are considered in Part 7. It is noted that no objection has been raised by the Highway Authority.

parking adding the ongoing issues. 6. Surface water from 1a St James Rd naturally flows downhill into the gardens of several neighbouring properties along Victoria Rd and the garden of 1 St James Rd. Over the past few months a significant amount of trees and other vegetation has been removed from the site of 1a St James Road. Much of these previously green areas of 1a St James Rd are to be converted to house build and paved areas. This will likely result in further surface water leaving the site potentially further impacting the neighbouring gardens & outbuildings. We would like reassurance this potential issue is considered and that soakaways are not implemented within the new development rear gardens to drain rain water collected from site. The previous design indicated soakaways would be used. 7. DAS states no neighbouring windows will be blocked by the new development. This is untrue as large ground floor door mounted window on the North wall of St James Rd will be blocked. This design of door was purposely installed to improve lighting into the ground floor lounge area of 1 St James Rd.	Drainage and flood risk are considered in Part 7. A condition in relation to Surface Water drainage is recommended. Impacts on residential amenity are considered in Part 7.
<u>Objections to original plans</u>	
Our property is at a low point below the proposed development, and over the years we have experienced a number of developments causing increased flooding of our garden following rain. The concrete conduit surrounding the West Brook at this point does not allow ground water to seep into the brook, and water gathers with the level of the water table becoming higher than ground level. The proposed development with increased building footprint and associated paved access and parking areas will increase water run-off which will exacerbate this problem.	See Part 7 A surface water drainage condition is recommended.

We have lived here for a number of years and I have seen a healthy population of slow worms in the green area bounded by Victoria Road, St James' Road and Bridge Road, often finding them in our garden. I would be concerned by any significant reduction to the habitat of this protected species.	See Part 7
We write to you in connection with the above planning application, which has been assigned to you as Case Officer. We have examined the application documentation currently submitted and, after careful consideration, we wish to object strongly to the proposed development on the following grounds: 1. Bedrooms 2 and 3 of the proposed dwellings appear small; we question whether room sizes comply with DCLG Technical housing standards - nationally described space standard under Para. 10(c) and 10(h). 2. The size of the rear gardens of the properties are disproportionate and too small for the size of the dwellings, being proposed at just 9.4m. This falls short of the stated 10m requirement outlined in the Borough Design Guide SPD, which supplements Policy CS16. In addition, it is observed that the rear boundary of both properties is indicated as running at a slight angle, this is incorrect. The rear boundary runs at 90 degrees to the southern boundary, thereby reducing the proposed garden lengths further. Please see point 6 for further clarification. 3. The rear 'Juliette' balconies would overlook a large portion of our garden, which wraps itself around the complete length of the rear boundary of the proposed dwellings. The rear gabled elevations and 'Juliette' balconies would have a significant impact on our privacy and would negatively impact our ability to enjoy our garden. In addition, even with the proposed screening between 1A and 1 St James Road, the 1st floor Juliette balcony and windows will have a direct view into our kitchen/diner and rear living room. We spend a significant proportion of our time in this area of our house, the proposed development would therefore have a further substantial impact on our privacy and ability to enjoy our home.	Now amended in latest plans See Part 7 Boundary amended on latest plans Impact on residential amenity considered in Part 7

4. DAS page 13, states the proposed new dwellings would be 100mm lower than the neighbouring property to the south of the application site, namely 1 St James Road. In contradiction to this, the proposed street scene elevation and east/west elevations indicate the new dwellings higher than 1 St James Road. We would like clarification on this matter, in particular because the elevation of the 1A St James Road plot is higher than that of 1 St James' Road.	Plans amended in latest version
5. Should this planning application receive approval from HBC, we request a condition is added to any planning consent to remove Permitted Development Rights. This is essential to safeguard neighbouring properties from future extensions to the proposed new dwellings e.g. loft conversions. Any future development to the site would only stand to further seriously impact the privacy of neighbouring properties. We would therefore request that any future proposed development is regulated/approved by HBC to ensure adequate protection/assurance is given to neighbours.	See Part 7
6. The rear boundary line of 1A St James Road is still shown inaccurately on the Proposed Site Plan and reflects the line of the fence not the boundary. For clarity purposes, the fence could not be erected on the true boundary line due to the density of trees & vegetation within the garden of 1A St James' Road at that time. These trees & vegetation have since been significantly cut back or removed from site. The boundary runs perpendicular to the rear of 1 St James Road. We have annotated the drawing below with a blue line to demonstrate this. In addition, the proposed Site Plan does not accurately reflect the complete garden associated with 1 St James Road. The area highlighted in blue below is the land registered to 1 St James Road, our main seating area falls directly in the sight line of the downstairs & upstairs rear windows of both proposed properties. (Please note that this sketch is not to scale, drawings can be provided from Land Registry & a chartered surveyor if required.)	Amended on latest plans and a private legal matter between the parties.
7. Parking in St James Road is already a significant concern for local residents. Cars & vans regularly park in an obstructive manner, including on the pavement, causing a significant hazard for both pedestrians & other vehicles driving along St	See Part 7

James Road. The proximity of St James Road to the local train station, church & town centre exacerbates the issue and it is in demand for parking both during the week & at weekends. Although the new development has five dedicated car parking spaces, it is likely that larger vehicles/vans/visitors will require on street parking.	
In addition, the proposed development is situated on a sharp, blind corner. We would question whether this is an appropriate location for the entrance to a site.	See Part 7
8. Surface water from 1A St James Road naturally flows downhill into the gardens of several neighbouring properties along Victoria Rd and in addition into the garden of 1 St James Road. A significant number of trees and vegetation has been removed from the 1A St James Road site over recent months. Much of the previously 'green' areas of 1A St James Rd are to be converted to house build and paved areas under the proposed development. This is likely to result in further surface water flowing off the site, potentially further impacting the neighbouring gardens & out buildings.	See Part 7
We would like reassurance that the issue of drainage has been appropriately considered with this above in mind. We would like confirmation that soakaways will not be installed in the rear gardens of the proposed dwellings with the intention of draining rain water collected from site. The previous design indicated soakaways would be used.	
9. DAS incorrectly states that new development will not block the windows of any neighbouring properties. The proposed development will block the large glazed window (within the side door) on the ground floor North wall of 1 St James Road. This style of window was specifically installed to improve the lighting and amount of natural daylight into the ground floor lounge area of 1 St James Road.	See Part 7
We would be happy to discuss any of the points above in further detail.	
The red line boundary between the property (1a St James Road and the end gardens at 12 and 14 Victoria road) is not annotated correctly on site plans. This is probably due to the removal of all foliage and trees. The boundary red line does not	The plans accuracy has been raised with agent and revised plans submitted. This is a private legal matter.

take into account a shared straight line drainage ditch that was situated behind the shed at 14 Victoria Road. We request that this boundary be corrected prior to approval to the planning application.	
St James Road is a road with many double and single yellow lines and residents parking. This results in a staggering amount of pavement parking making it difficult and dangerous for residents who are often elderly and wheelchair or frame dependent. Also some mums with infants in prams. The erection of two four bedroom properties at 1A St James Road will generate several more cars even if there is some off street parking, the properties are likely to own more than one car and have others visiting. Please consider smaller properties that will generate less vehicles and pollution. The property has also had several trees removed, again , this is not eco friendly. It has exposed nearby properties thus removing their privacy. They will now be prominently overlooked .	Parking and highway matters considered in part 7. The parking proposed meets the Councils standards and no objections have been raised by the Highways Authority. Impacts on residential amenity considered in Part 7. A landscaping condition and Oak Tree provision is recommended.
We write to you in connection with the above planning application, which has been assigned to you as Case Officer. We have examined the application documentation currently submitted and, after careful consideration, we wish to object strongly to the proposed development on the following grounds: 1. Bedrooms 2 and 3 of the proposed dwellings appear small; we question whether room sizes comply with DCLG Technical housing standards - nationally described space standard under Para. 10(c) and 10(h). 2. The size of the rear gardens of the properties are disproportionate and too small for the size of the dwellings, being proposed at just 9.4m. This falls short of the stated 10m requirement outlined in the Borough Design Guide SPD, which supplements Policy CS16. In addition, it is observed that the rear boundary of both properties is indicated as running at a slight angle, this is incorrect. The rear boundary runs at 90 degrees to the southern boundary, thereby	See responses above and in Part 7

reducing the proposed garden lengths further. Please see point 6 for further clarification.

3. The rear 'Juliette' balconies would overlook a large portion of our garden, which wraps itself around the complete length of the rear boundary of the proposed dwellings. The rear gabled elevations and 'Juliette' balconies would have a significant impact on our privacy and would negatively impact our ability to enjoy our garden.

In addition, even with the proposed screening between 1A and 1 St James Road, the 1st floor Juliette balcony and windows will have a direct view into our kitchen/diner and rear living room. We spend a significant proportion of our time in this area of our house, the proposed development would therefore have a further substantial impact on our privacy and ability to enjoy our home.

4. DAS page 13, states the proposed new dwellings would be 100mm lower than the neighbouring property to the south of the application site, namely 1 St James Road. In contradiction to this, the proposed street scene elevation and east/west elevations indicate the new dwellings higher than 1 St James Road. We would like clarification on this matter, in particular because the elevation of the 1A St James Road plot is higher than that of 1 St James' Road.

5. Should this planning application receive approval from HBC, we request a condition is added to any planning consent to remove Permitted Development Rights. This is essential to safeguard neighbouring properties from future extensions to the proposed new dwellings e.g. loft conversions. Any future development to the site would only stand to further seriously impact the privacy of neighbouring properties. We would therefore request that any future proposed development is regulated/approved by HBC to ensure adequate protection/assurance is given to neighbours.

6. The rear boundary line of 1A St James Road is still shown inaccurately on the Proposed Site Plan and reflects the line of the fence not the boundary. For clarity purposes, the fence could not be erected on the true boundary line due to the density of trees & vegetation within the garden of 1A St James' Road at that time. These trees & vegetation have since been significantly cut back or removed from site. The boundary runs

perpendicular to the rear of 1 St James Road. We have annotated the drawing below with a blue line to demonstrate this.

In addition, the proposed Site Plan does not accurately reflect the complete garden associated with 1 St James Road. The area highlighted in blue below is the land registered to 1 St James Road, our main seating area falls directly in the sight line of the downstairs & upstairs rear windows of both proposed properties. (Please note that this sketch is not to scale, drawings can be provided from Land Registry & a chartered surveyor if required.)

7. Parking in St James Road is already a significant concern for local residents. Cars & vans regularly park in an obstructive manner, including on the pavement, causing a significant hazard for both pedestrians & other vehicles driving along St James Road. The proximity of St James Road to the local train station, church & town centre exacerbates the issue and it is in demand for parking both during the week & at weekends. Although the new development has five dedicated car parking spaces, it is likely that larger vehicles/vans/visitors will require on street parking.

In addition, the proposed development is situated on a sharp, blind corner. We would question whether this is an appropriate location for the entrance to a site.

8. Surface water from 1A St James Road naturally flows downhill into the gardens of several neighbouring properties along Victoria Rd and in addition into the garden of 1 St James Road. A significant number of trees and vegetation has been removed from the 1A St James Road site over recent months. Much of the previously 'green' areas of 1A St James Rd are to be converted to house build and paved areas under the proposed development. This is likely to result in further surface water flowing off the site, potentially further impacting the neighbouring gardens & out buildings.

We would like reassurance that the issue of drainage has been appropriately considered with this above in mind. We would like confirmation that soakaways will not be installed in the rear gardens of the proposed dwellings with the intention of draining rain water collected from site. The previous design indicated soakaways would

be used. 9. DAS incorrectly states that new development will not block the windows of any neighbouring properties. The proposed development will block the large glazed window (within the side door) on the ground floor North wall of 1 St James Road. This style of window was specifically installed to improve the lighting and amount of natural daylight into the ground floor lounge area of 1 St James Road. We would be happy to discuss any of the points above in further detail.	

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) Highway considerations
- (v) Flood Risk
- (vi) Impact on trees
- (vii) Ecological and nutrient neutrality considerations
- (viii) Other matters

(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 and nutrient neutrality considerations which are examined below.

7.3 In this case as the application is for two dwellings the proposals would make a small contribution to the Council's housing need although it should be noted that at the present time the Council is able to demonstrate that there is a 5.4 year supply of housing.

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

7.4 The current proposal is for two No. 4 bed dwellings and follows on from a previous application for three dwellings which was withdrawn in December 2019 following a number of concerns raised by the case officer and third parties. The current application has sought to address the concerns previously raised.

- 7.5 St James Road is mainly residential in character with dwellings of various designs and ages. To the east of the site and on the opposite side of the road are bungalows and on the same side a short terrace of three, two storey houses dating from the late 1970's utilizing brick. To the south of the site are semi-detached two storey houses dating from the early 20th Century with render to the first floor and brick or cladding to the ground floor. To the opposite side of the road are bungalows, detached and semi-detached houses.
- 7.6 The area is therefore mixed in terms of its residential character. The proposal is for a detached pair of dwellings with gabled roofs fronting St James Road incorporating clay facing brickwork, feature timber cladding and a slate roof. Whilst it is noted that No's 1 and 3 St James Road have more recessive roofs hipping back from the street other properties including No.12 and No.9 incorporate gable designs. The use of brick for the primary material picks up on the pre-dominant material in the locality and the slate roof would also match nearby buildings. The timber cladding would be a new element locally, although there is a variety of material detailing locally including the use of render and tile hanging. The use of cladding would provide a more contemporary element to the design. The site is prominent and is seen for a distance looking west along St James Road from North Street. It is considered that subject to details of materials being submitted and agreed the proposed dwelling would have an acceptable appearance.
- 7.7 In relation to the scale of the buildings and its appearance, a street scene has been produced which shows that the new dwellings would only be slightly taller than No's 1 and 2 and this is considered acceptable.
- 7.8 Following concerns raised in relation to the previously withdrawn application, it is considered that the site frontage has been improved with greater opportunity to provide frontage landscaping and a reduction in the frontage hardstanding whilst still providing parking, turning and pedestrian paths. This arrangement is considered acceptable subject to a landscaping condition.
- 7.9 Overall and subject to appropriate conditions it is considered that the proposal would be appropriately designed and have an acceptable impact on the character and appearance of the area this would meet the requirements of policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policies D1, D2 and D3 of the Emsworth Neighbourhood Plan.

(iii) Impact upon residential amenity

- 7.10 With regard to the impact on residential amenity, the main impacts are considered to be to 1 St James Road (South); 1B St James Road (East), 8 & 10 St James Road (East and South East opposite) and to properties in Victoria Road (North - backing onto the site). Finally, the suitability of the development for future residents is also considered.

1 St James Road

- 7.11 No.1 St James Road lies to the south of the site and includes an area of garden that also runs to the rear of the application site (west). No.1 is a two storey semi-detached house with rear single storey additions.

- 7.12 The proposed new dwellings would be located to the north of No.1 and this would reduce the impact of the development in relation to loss of direct sunlight to No.1. The closest new dwelling would have one first floor window facing south, this would serve an en-suite bathroom and an obscure glazing condition is recommended to avoid overlooking. The first floor rear bedroom windows with Juliet (non step out) balconies would face west and as such would avoid direct overlooking back towards the side elevation of No.1. Any oblique views would not be considered sufficient to warrant a refusal of planning permission.
- 7.13 The new dwelling would be set approx. 1.7m off the common boundary with No. 1 and there is also a walkway down the side of No.1 beyond the boundary. The proposals therefore retain a gap between the dwellings and avoid a 'terracing effect'.
- 7.14 It is noted that No.1 has a number of ground floor windows facing the application site including a glazed door, Kitchen window, play room/lounge windows. Most of these windows would be positioned to the rear of the back elevation of the new dwelling (excepting the glazed door). This arrangement would reduce the impact of the proposal in terms of any overbearing concerns. It is recognised that the impact of the new dwellings would be considerably greater than that of the existing bungalow, however, it is not considered that the impacts on these side windows facing north would be sufficient to warrant a refusal of planning permission.
- 7.15 It should be noted that there are considerable changes in level across the site and that the proposed development would include a rear patio area. Given that the application site is set slightly higher than No.1, there were concerns that users of the patio would be able to look back towards the side windows of No.1. The proposals now include the provision of a 1.8m high close boarded fence and gate to the southern side of the patio to reduce the potential for overlooking. A condition is recommended to ensure that this is provided and retained.
- 7.16 Concern has been raised that the proposal would result in additional overlooking to the garden area to the west of the application site which is used by the occupants of No.1. It is recognised that the change in levels increases this and that first floor bedroom windows are proposed. It has to be acknowledged that this area of garden would be more overlooked, however, a more private area of garden to the rear of No.1 would be retained. It is not considered that any additional overlooking to the section of garden running to the rear of the application site would be sufficient to warrant a refusal of planning permission.

1B St James Road

- 7.17 1B St James Road is an end of terrace two storey house to the east of the site. This property has two small west facing side windows facing the application site. It is noted that these windows would not directly face the new dwellings and would be set approximately 17m off the new building set closest. This relationship is considered to be satisfactory.
- 7.18 Parking for five cars is proposed to the frontage of the new units, however, there is an existing close boarded fence and proposed landscaping which would mitigate any potential impacts from maneuvering vehicles to an acceptable level. A condition in relation to landscaping is proposed.

8 & 10 St James Road

- 7.19 These properties are located to the east and south-east of the site and are set well off the proposed dwellings with St James Road between, it is not considered that there would be any unacceptable impacts from the proposed development.

Properties in Victoria Road

- 7.20 The properties in Victoria Road are located to the north of the site and have long rear gardens (approx 27m). One small en-suite bathroom window is proposed at first floor level facing north. Given the separation distances it is not considered that the proposed dwellings would have an unacceptable impact on the properties to the north.
- 7.21 In conclusion, the proposed development would result in some additional impacts on residential amenities of adjoining neighbours. These have, however, been carefully assessed and it is not considered that these impacts would be sufficient in relation to Havant Borough Local Plan policy CS16 and the Havant Borough Design Guide to warrant a refusal of planning permission subject to appropriate conditions highlighted above.

Suitability for Future Residents

- 7.22 In relation to future residents there are two main aspects, external amenity space and internal amenity space.
- 7.23 With regard to external space, it is noted that the proposals show rear garden depths of approximately 9.26m. This is below the 10m garden depth recommended in the Councils Borough Design Guide SPD. It is also noted that the proposals are for 4 bed family dwellings. Both properties however have fairly generous plot widths with the southern plot having a width of 8.5m, this is considered to provide an acceptable external amenity space for plot 1. It is noted that the width of the garden compares favourably with many nearby dwellings. The northern plot has a reduced area of garden at the 9.26m depth but this is compensated for by a substantial garden area to the north of the property. Again overall the external amenity space is considered acceptable.
- 7.24 The internal space has been amended during the course of the application to increase bedroom sizes and is considered to be in general conformity to the Nationally described space standard and would provide suitable internal living spaces.

(iv) Highway consideration

- 7.25 The proposal results in an amended access to St James Road and parking and turning provision for five cars. The County Highway Authority raise no objections to the proposed development subject to the imposition of a condition in relation to the provision, maintenance and surfacing of the parking and maneuvering area.
- 7.26 Parking has been assessed against the Havant Borough Parking SPD. The spaces proposed are communal and not allocated to a particular unit of the two dwellings. The parking requirement for a four bed unit is 2.4 spaces per unit. 2 x 4 bed units are proposed with a requirement to provide 4.8 spaces. 5 spaces are proposed and therefore the standard is met in relation to car parking. In addition cycle parking is required for 2 spaces per unit in accordance with policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and policy M1 of the Emsworth Neighbourhood Plan.

Cycle parking is shown on the proposed plans and a compliance condition is recommended to secure this provision.

(v) Flood Risk

- 7.27 In relation to flood risk, the application has been accompanied by a simple Flood Risk Assessment (FRA). This identifies that the site is located within Flood Zone 1 (low flood risk) although beyond the site to the west (approx 22m from rear boundary) is a flood zone 2 and then 3 associated with the River Ems. It is noted that parts of Emsworth have experienced flooding issues.

- 7.28 The FRA states in relation to flood resilience that:

*In order to increase the resilience of the property against flood risk, the following measures will be incorporated into design and construction.
The new finished floor level will be at least 150mm above the adjacent ground level. The damp proof course (DPC) will also be least 150mm above the ground level.*

All electrical services will be fed from high level.

- 7.29 It is noted that concerns have been raised in relation to flood risk by third parties and policy DM25 of the Havant Borough Local Plan (Allocations) 2014 relates to flood issues in Emsworth. In order to fully control the proposed drainage system and ensure appropriate drainage is secured a pre-commencement planning condition is recommended in this case. This will also secure details of foul drainage.

(vi) Impact on trees

- 7.30 It is noted from historic street views of the premises that the site was formerly overgrown and a number of trees and bushes have been removed in more recent times. The Councils Arboricultural Officer has visited the site and provided advice in relation to the proposal as above in part 5 of this report.
- 7.31 There is an Oak Tree to the north west corner of the site proposed to be removed as part of the development. The proposals also show a replacement oak tree to the rear of the site. The Arboricultural Officer confirms that the existing tree has very poor form and does not meet the criteria to be protected by a Tree Preservation Order. There is no objection to its removal subject to a replacement Oak being secured and a condition is recommended. In addition there is an off site Birch tree that is shown to be removed. This tree is in a poor condition and whilst subject to a TPO the Councils Arboriculturalist would have no objection to its removal under the dead/dangerous exemption to the TPO. However, as the tree is outside of the applicant's control this would be a matter for the owner of the tree. Whether the tree is removed or not the Councils Arboriculturalist has confirmed that it is not a constraint on development and that there is no objection to the development.

(vii) Ecological and nutrient neutrality considerations

- 7.32 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.

- 7.33 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation. 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.
- 7.34 With respect to the Solent Recreation Mitigation Strategy a unilateral undertaking and payment has been received with a contribution of £789 plus monitoring and admin fee. 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.
- 7.35 The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreement/condition, 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 and raise no objection on this basis. The impacts on the Solent European Sites have therefore been addressed and will be mitigated by the financial contribution to the Solent Recreation Mitigation Strategy and the imposition of the Grampian condition.
- 7.36 The possible impact of development on slow worms has been raised by a third party and the case officer has corresponded with the County Ecologist and received the following comment:

I would not wish to doubt the veracity of the neighbour's comments regarding slow-worms. The likelihood of encountering slow-worms on most development sites is quite high, but this will depend very much on the condition of any vegetation. If as you say the site has been cleared of vegetation (i.e. is devoid of any potential habitat) then I'd say it was most unlikely to be an issue. However, if there is some rough grassland or scrub on site then there is certainly potential if there is other suitable habitat nearby.

- 7.37 In this case the site has been cleared of most of the vegetation with extensive bush and tree felling and scaping back surfaces taking place. An informative is recommended in relation to the requirements of the Wildlife and Countryside Act and protected species.

(viii) Other matters

- 7.38 The proposed development would be subject to a Community Infrastructure Contribution this would be for £20,427.68

8 **Conclusion**

- 8.1 In conclusion, the proposed development is considered acceptable in principle and would have an acceptable impact on the character and appearance of the area. The proposal has been carefully considered with regard to its impact on neighbouring residents and subject to conditions is considered to be acceptable. The proposal would provide parking to meet the Council's standards and cycle parking requirements can be conditioned. Flood risk has been considered and an appropriate condition is recommended. The impact on trees has been addressed and replacement planting and landscaping are subject to conditions. The impact on European protected sites is appropriately addressed. Planning permission can therefore be recommended.
-

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01240 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:

Site Location Plan Drawing No. C0146-P001B
Site Layout Plan Drawing No. C0146-P002D
Proposed Site Layout Plan Drawing No. C0146-P003E
Proposed Ground Floor Plan Drawing No. C0146-P111D
Proposed First Floor Plan Drawing No. C0146-P112D
Proposed Roof Plan Drawing No. C0146-P113C
Proposed Street Elevation Drawing No. C0146-P206C
Proposed Street Elevation Drawing No. C0146-P208A
Proposed East Elevation Drawing No. C0146-P211C
Proposed West Elevation Drawing No. C0146-P212C
Proposed South Elevation Drawing No. C0146-P213B
Proposed North Elevation Drawing No. C0146-P214C
Proposed Section A Drawing No. C0146-P215
Proposed Section B Drawing No. C0146-P216
Design and Access Statement (including Flood Risk Assessment) March 2020
Rev D
European Site avoidance and mitigation checklist
Report for Trees - Team Greens Tree Services Ltd

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the development has an acceptable impact on neighbouring residents and in the street scene having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 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 buildings 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No part of the development 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 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 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, outbuilding or windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To ensure that adequate external amenity space is retained and to avoid unneighbourly impacts having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Design Guide 2011 and the National Planning Policy Framework.

- 9 The car parking, servicing, other vehicular access arrangements and cycle parking provision 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 A replacement Oak Tree shall be planted in the position shown on drawing No.C0146-P003E in the first planting season following the felling of the existing Oak Tree. The tree shall be a minimum 1.5m tall at the time of planting and comply with BS3936:Part 1:1992. The tree shall thereafter be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and safeguard the visual amenities of the locality having due regard to policies CS11 and DM8 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework..

- 11 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the en-suite window in the first floor on the side elevation of the southern most dwelling facing south 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.

- 12 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.

- 13 No development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, this shall include a hedge to part of the southern boundary (as shown indicatively on drawing No. C0146-P003E) 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 policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 No above ground construction works shall take place until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. These shall include details of the parking and maneuvering area which shall be surfaced in a non-migratory porous material. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification and thereafter maintained.

Reason: In the interests of the amenities of the locality and flood risk and having due regard to policies CS15 CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM25 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 15 Prior to the occupation of the southern most unit a close boarded fence and close boarded gate with a height of 1.8m from the finished floor level of the external patio area shall be erected to the southern side of the patio as shown on drawing No. C0146-P111D. The fence and gate shall thereafter be retained and maintained in a satisfactory condition.

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