

Recommendation: **REFUSE PERMISSION**

- 1.1 The application site comprises part of the rear garden of 17A-17B Avondale Road, which is a detached 2 storey residential property, in use as 2 flats. This host property is located on the corner of Avondale Road with Brooklyn Drive, such that its rear garden fronts Brooklyn Drive. Number 17 has a historic flat roofed two storey extension across its rear elevation. There are 2 front doors within its side gable elevation, serving the 2 self contained flats, arranged as a first floor flat and ground floor flat; each of which have 2 bedrooms, kitchen, bathroom and lounge. It is the ground floor flat, Nos 17A, that has use of the existing garden area.
- 1.2 This north side of Avondale Road is characterised by inter-war traditional two storey dwellings, having relatively generous rear garden depths of approximately 30m. In contrast, Brooklyn Drive, which leads to Bramley Close, is a 1970's development of tighter-knit detached dwellings set in more modest plots. Brooklyn Drive has a slight dog-leg within it, outside the application site, which results in a tapering of the application site at its northern end. The land in the area slopes gradually down from west to east, such that there is a slight slope to the garden of 17A down to the Brooklyn Drive frontage.
- 1.3 The garden of 17A is bounded to Brooklyn Drive by a 1.2m high close boarded fence and currently the half closest to this property is maintained and includes a shed. The rear, northern, half is currently overgrown and unkempt. Immediately to the north is a private drive serving a brick built detached garage, set back within the rear garden of, and serving, number 15 Avondale Road. Beyond, numbers 1 to 3 Brooklyn Drive are two storey gable fronted detached dwellings, set in a line and back from the highway by about 6m. The eastern side of Brooklyn Drive comprises a high close boarded fence where enclosing the long rear garden of 19 Avondale Road; then 4 private garages set back before a fence enclosing 23 Bramley Close. Brooklyn Drive itself is therefore characterised by an absence of structures and largely features the side flank boundary treatments of long gardens and therefore has a relatively spacious and open feel.
- 1.4 The submitted red lined application site measures 27m in length along the western boundary with number 15, and has a depth of between 9m and 5m. This would leave a rear garden depth of 6.5m for 17A.

## 2 Planning History

The relevant planning history includes:

**04/67971/000** - Outline application for one detached two bedroom, two storey dwelling  
Refused 21 December 2004 for 2 reasons:  
size and shape of plot not compatible with surrounding area; and use of access likely to cause interference with safety of users of highway.

**05/67971/001** - Outline application for 1No. detached bungalow with parking  
Refused 28 July 2005 for 2 reasons:  
size and shape of plot not compatible with surrounding area; and failed to demonstrate that use of access would not cause interference with safety of users of highway

**Appeal Dismissed** 2 February 2006

The Inspector found that the style and layout of the dwelling would be out of keeping with predominant character of the road; and combined with the siting projecting in front of the established building line of dwellings to the east, the development would be visually harmful to the street scene; furthermore the shallow depth of the plot afforded little privacy for intended occupiers.

### **3 Proposal**

- 3.1 Construction of 1No. 2 bed bungalow to the rear of 17A/B Avondale Road, with access via Brooklyn Drive and associated bin store and parking.
- 3.2 The proposed bungalow would have a long, 13.5m, blank rear elevation with stepped and curved frontage to Brooklyn Drive, beneath a hipped roof with flat central element. The dwelling would have a maximum depth of 7m, eaves height of 2.1m and ridge height of 4.2m. The curved frontage of the property would be set back about 1.3m from the back edge of the highway and windows have been spaced out evenly in this facade. The dwelling would be sited approximately centrally within the plot with the garden to the north, having a length of 8m; and 2 car parking spaces and bin store to the south.
- 3.3 It is proposed to use traditional buff bricks beneath a plain tiled roof, with grey windows and doors. A feature brick plinth is also proposed. A cross section drawing has been provided indicating that the front of the bungalow would be set at natural ground level, resulting in the rear being set down.

### **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

|      |                                                                        |
|------|------------------------------------------------------------------------|
| CS15 | (Flood and Coastal Erosion)                                            |
| CS16 | (High Quality Design)                                                  |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS21 | (Developer Requirements)                                               |
| CS9  | (Housing)                                                              |
| DM13 | (Car and Cycle Parking on Residential Development)                     |

Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| AL1  | (Presumption in Favour of Sustainable Development)                                        |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |
| AL2  | (Urban Area Boundaries and Undeveloped Gaps between Settlements)                          |

#### Havant Borough Pre Submission Local Plan 2036

|     |                                              |
|-----|----------------------------------------------|
| E22 | (Amenity and pollution)                      |
| E20 | (Drainage infrastructure in new development) |
| IN1 | (Effective provision of infrastructure)      |
| E1* | (High quality design)                        |
| H1* | (High quality new homes)                     |
| E12 | (Low carbon design)                          |
| E16 | (Solent Special Protection Areas)            |
| E14 | (The Local Ecological Network)               |
| IN3 | (Transport and parking in new development)   |

#### Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## **5 Statutory and Non Statutory Consultations**

### **Building Control**

No adverse comments

### **Community Infrastructure**

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

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

See also information on Nutrient Neutrality: [www.havant.gov.uk/nitrogen](http://www.havant.gov.uk/nitrogen)

### **Crime Prevention**

None received

### **Southern Water**

Southern Water requires a formal application for a connection to the public foul sewer. Should this application receive planning approval, Informative requested re connection. The Council's Building Control officers or technical staff should comment on the adequacy of soakaways to dispose of surface water.

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

### **Engineering/Drainage**

Advice sought on comments of LLFA:

The culvert referred to is classified as an 'ordinary watercourse' which is a 'non-main river' water body. Ordinary watercourses are the responsibility of the landowner in whose land the watercourse is located, to maintain. If the culvert has been piped and especially if the landowner has no means of access to it (i.e. there isn't an access manhole on their land) then often they don't even know it exists.

This culvert/pipe probably extends along the original field boundary right down to the Hermitage. But there is a blockage somewhere causing the reported flooding. Suggest the applicant establishes whether the culvert/pipe crosses the site by digging trial holes to locate the pipe - if found, build a manhole on it, and then do the maintenance required to get it flowing again.

Infiltration – this can be determined by a BRE test. This is a standard 'dig a hole in the ground, fill it with water and measure how long it takes to drain'. The applicant would have to do this anyway if proposing soakaways. The BRE test is usually done before commencement to prove the viability of the proposal. It is used to size the soakaway or at worst to rule it out and come up with another (piped) solution.

### **Hampshire Highways**

Whilst Highways Development Planning raises no in-principle objections to this proposal, there are currently items of concern and issues.

The proposed access is potentially restrained in terms of pedestrian/vehicular intervisibility and submitted drawings must demonstrate suitable pedestrian visibility splays of 1.5m x 1.5m.

The local highway network in this location is heavily parked at various times and the proposed access would result in the loss of circa 2 on-street parking spaces.

The applicant would be required to demonstrate via a residential peak night time parking survey in line with the "Lambeth Methodology" the level of parking stress and in turn the level of spare capacity in order to demonstrate that the loss of available parking would not be detrimental.

Due to the current COVID-19 situation the applicant must discuss and agree any potential surveys with this office in advance.

In line with the above, a standing objection is currently raised to this proposal.

### Following discussions with HH, follow up response received:

Further review of the proposal has been undertaken given clarification that has been provided by HBC. In line with this review the following comments should be taken as an updated consultation response.

Whilst Highways Development Planning raises no in-principle objections to this proposal, there are currently items of concern and issues.

The proposed access is potentially restrained in terms of pedestrian/vehicular intervisibility and submitted drawings must demonstrate suitable pedestrian visibility splays of 1.5m x 1.5m.

Following review, Highways Development Planning is satisfied that the minor loss of on-street parking (1 space) would not be at a detrimental impact to highway safety or efficiency.

No objections are raised subject to the above requirements.

### **Local Lead Flood Authority HCC**

Hampshire County Council as Lead Local Flood Authority has provided comments in relation to the above application in relation to surface water management.

This site is a minor application which we would not usually comment on, however due to known flooding issues in the vicinity, we have specifically been asked for advice.

While we have reviewed the information provided and made comments below, please be aware that we require far more detail to enable us to undertake a full assessment in

the same way as for major applications. If this level of assessment is required, please refer the applicant to our website where guidance and a checklist in relation to planning submissions is available.

The County Council has reviewed the following documents relating to the above application:

- ☐ Application Form
- ☐ Planning Statement
- ☐ Proposed Floor Plan and Elevations ref: 8880 02

The application is for the construction of a new bungalow to the rear of an existing bungalow with drainage proposed to be via soakaway and permeable block paving. No further details are provided in relation to drainage.

We are aware that there has been flooding in the area and it has been suggested that there is culverted watercourse to the rear of the gardens in Avondale Road. This is known to exist to the north-west (upstream) but is blocked and the full route has not been confirmed. This could be leading to some of the issues raised by other residents but would require action from the individual land owners to locate and repair. However, if this culvert does run as expected, the works within 17A and 17B could effectively sever this outfall.

If this culvert is already blocked and the flow path is above ground at present, then the bungalow is likely to provide an impediment to the flow path and no information has been provided to show how water could flow around the site.

The drainage proposals are to use infiltration but no evidence has been provided to show that it would work. The soils in the area are mixed and may not be suitable, particularly given the flooding reports but if this method is to be used then testing should be undertaken as soon as possible and must be in accordance with BRE365.

As previously stated, if this was a major application then considerably more information would be required but we feel that the above points are critical in ensuring that development does not increase flood risk in the area.

In order to assist applicants in providing the correct information to their Local Planning Authority for planning permission, Hampshire County Council has set out the information it requires to provide a substantive response at

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

For guidance on providing the correct information, we recommend you use our Surface Water Management Pre-application service which provides clear guidance on what is required for us to recommend that planning permission is granted and consider the works as best practise. For full details, please visit:

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> and click on [pre-application advice request form](#).

### **Natural England Government Team**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

## **Solent Recreation Mitigation Strategy – no objection subject to mitigation**

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

### **Nutrient Neutrality – no objection subject to mitigation**

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please consult Natural England on the discharge of the Grampian condition. \_

### **Public Spaces**

None received

### **Traffic Management**

The Traffic Team have no adverse comment to make

### **Waste Services Manager**

None received

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 9

Number of site notices: 1 posted by applicant/agent due to Covid 19 restrictions

Statutory advertisement: Not applicable.

Number of representations received: 6

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Officer Comment                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>6 letters of objection</b> have been received, raising the following issues:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                        |
| <u>Drainage</u> - due to slope of land, surface water backs up and can take days to dissipate; bungalow footings would act as a dam wall and make our flooding much worse; Note HCC LLFA recently wrote to residents reminding of responsibility to maintain Ordinary Watercourse and noting blocked surface water drainage culvert (copy of letter included). There is an underground stream which runs through the site and, during heavy rain, surfaces and flows across Brooklyn Drive. The proposed development would affect this.                                                                                                                                                                                                                                                                                                                                                                             | Noted - see section 7                                                                                                  |
| <u>Previous appeal</u> - serious parking problem was one of reasons 2005 appeal turned down; previous unsuccessful applications to develop this unsuitable site which has now become an annoying derelict eyesore                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Noted - see section 7<br><br>Current state of land not so untidy to warrant a Section 215 Notice                       |
| <u>Parking</u> - problems increased since 2005; proposed 2 parking spaces negated by loss of 2 on road spaces; Brooklyn Drive and Avondale Road are already severely congested with parked cars and vans causing a danger each time a vehicle needs to exit Brooklyn Drive; congestion blocks access for refuse vehicles, and delivery vans; dangerous for pedestrians and cyclists; profit motivated application impacting road safety and parking disputes in the immediate area; HMO/converted house to flats at the end of Brooklyn which equates for a lot of traffic and parking issues which will only be exacerbated by more dwellings; not a safe road to cross due to the junction with Avondale and the illegally parked vehicles, it can be dangerous too with emergency service vehicles unable to pass; Brooklyn Drive has deteriorated into a car park for the vans and cars for the many households | proposed 2 spaces result in loss of just 1 on street space - see section 7<br><br>Parking issues noted - see section 7 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| in Avondale Road without garages, affecting access to Bramley Close; will displace cars/vans etc to park in the quite cul-de-sac of Bramley Close; frequent vehicles parked illegally and although HCC support with issuing penalty fines it is never consistent.                                                                                                                                                                                                     |                                                                                              |
| <u>Suggestion</u> - land should be laid to lawn and used for amenity for tenants of 17B; or used for parking for 17A & 17B                                                                                                                                                                                                                                                                                                                                            | Proposal has to be determined on its merits; alternative uses are a matter for the landowner |
| <u>Character of area</u> - area of land proposed is very small and the area around the proposed build is already built up; 17/17a hmo/flats on the corner of Avondale are in particularly poor repair which is not standard of housing in proximity; would not be in keeping of the buildings in Avondale, Brooklyn or Bramley and would be unsightly. The plans show a dwelling that would not be in keeping with the architecture of the properties surrounding it. | Noted - see section 7                                                                        |
| <u>Disruption during construction</u> - The building of the proposed property would also cause unnecessary disruption for the residents in proximity.                                                                                                                                                                                                                                                                                                                 | Not a planning matter - Environmental Health would consider any nuisance during construction |
| <u>Overlooking</u> - The land is small and will overlook the neighbouring property                                                                                                                                                                                                                                                                                                                                                                                    | Noted - see section 7                                                                        |

## 7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Drainage
- (vi) Compliance with Habitats Regulations
- (v) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable in principle, subject to the usual development control criteria. It is accepted that the provision of an additional dwelling would make a modest contribution to the Borough's housing needs, but to achieve sustainable development the NPPF requires the three overarching objectives of the economic role, social role

and environmental role, to be balanced. Havant Borough Council has an up-to-date development plan, comprising the Hampshire Minerals and Waste Plan; the Local Plan (Core Strategy) 2011 and the Local Plan (Allocations) 2014 and in accordance with paragraph 11 of the NPPF decisions should be made in accordance with the development plan.

- 7.3 The Council also approved its Pre-Submission Havant Borough Local Plan 2036 in January 2019, but at this stage the policies within this draft plan can only be afforded limited weight. The emerging policies do however indicate the direction of travel and 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 with adequate separation between surrounding properties. Additionally other relevant emerging policies include E1 High Quality Design, E20 Drainage Infrastructure in New Development and E22 Amenity and Pollution.
- 7.4 The planning history is relevant to the consideration of this application and it is noted that the 2 previous applications were in outline only. The first was for a two storey dwelling having its access and parking at the northern end of the site, adjacent the drives of both the garage serving 15 Avondale and 1 Brooklyn Drive. The second application was for a bungalow with the access re-sited to the southern end with small amenity areas either side of the proposed bungalow, which was closer to the northern end. The second application was appealed and the Inspector dismissed the appeal, finding that the lack of a principal elevation facing the road would be out of keeping with the predominant character of the road. It was also found that the bungalow would be sited forward of the properties to the east, and the resultant prominence was accentuated by the dog-leg in the road. Additionally future occupiers would have little privacy either inside or outside. The current detailed submission has attempted to overcome these points, to be considered below.

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

- 7.5 The properties on the north side of Avondale Road all have long gardens, some 30m, including the application site in its original form. The proposed development would result in the curtilage of the host dwelling being truncated at just 6.5m to the rear of the building. This reduced garden area for the retained dwelling would be wholly out of keeping with others in Avondale Road. The proposed plot size and in particular its depth, is also considered out of keeping with others in the area. The pattern of development in the area is characterised by typical linear frontage dwellings, set back from the highway, with generous rear gardens, but the proposed dwelling would have a long frontage on a very shallow plot, with small side garden and no traditional rear garden. This layout would be at variance with the pattern of development in the area and is considered contrived and cramped. Development in the manner proposed is indicative of the inadequate plot size which is incompatible with the surrounding area and as such represents an overdevelopment of the site. The plot is not considered of sufficient size to adequately accommodate a two bedroomed dwelling whilst respecting the more spacious traditional pattern of development in the immediate vicinity.
- 7.6 The proposed dwelling would front Brooklyn Drive and therefore its compatibility with this street scene is important. Due to Brooklyn Drive being a relatively short access road serving Bramley Close, it currently does not include many frontage properties - just the three 1970's style two storey properties on the east side north of the site and

some recessive garages opposite and a garage to the north of the application plot. Otherwise Brooklyn Drive is characterised by a lack of structures and an open and spacious setting by virtue of the side gardens of the Avondale Road properties. The introduction of a bungalow in this location would not be directly akin to the surrounding two storey character. It is considered that in street scene terms the proposed dwelling, with its curved hipped roof, would be read in isolation, somewhat as a subservient rear outbuilding might.

- 7.7 It is acknowledged that the siting and design has attempted to overcome previous Inspectors concerns, by providing window details to the road frontage elevation to replicate a principal elevation. The proposed bungalow has also been sited further to the south, away from the tapered part of the site, and set back from the highway by about 1.3m. This better respects the building line set by the side facade of the host property to the south. This would still be forward of the building line to the north, but the greater separation to no 1 Brooklyn Drive, reduces this jarring effect. The submitted plans indicate a low boundary wall with open rail fencing above, together with landscaping behind, to minimise any overbearing effect on users of the adjacent pavement. It is only the enclosing of the private side garden where the boundary fence would be higher adjacent the pavement - but this scenario now exists elsewhere in Brooklyn Drive. Overall, on balance, the combination of the careful curved hipped roof design, siting, and indicative boundary detailing, is such that the proposed development would not be considered overly prominent in street scene terms.
- 7.8 Therefore it is considered that whilst the specific design and siting would not be overly prominent in street scene terms, the principle of the subdivision of the plot in the manner proposed represents an overdevelopment of the site. The reduced plot sizes for both the proposed dwelling and retained property would be significantly smaller than those within the immediate vicinity, out of character with the area. The size and shape of the plot is not considered characteristic of the more spacious and traditional pattern of development in the area, and results in a contrived and cramped development, contrary to the Borough Design Guide SPD, 2011, adopted policy CS16 and emerging policy E1.

(iii) Impact upon residential amenity

- 7.9 The proposed dwelling would result in the amenity space for the host dwelling, being reduced to just 6.5m in depth. It is noteworthy that the proposed application site includes both the overgrown rear section of the original curtilage and also part of the existing maintained garden serving 17A. This existing garden would be reduced in depth by about 6.5m ie halved in size, necessitating the re-siting of the existing shed. This reduced garden area falls short of the recommended 10m minimum rear garden depth as set out in the adopted Borough Design Guide SPD and the emerging Local Plan 2036 policy H1. The supporting text to the emerging policy (paras 6.10 to 6.13) notes outdoor space needs to be of a sufficient size to meet the functional size of likely occupants, and in this case the host dwelling is subdivided into 2 No 2 bed flats. Being 2 bedrooms then the occupants of the ground floor flat could include a small family and 6.5m length garden is not considered sufficient to provide a shed, cycle storage and sufficient outdoor amenity space.
- 7.10 Similarly the proposed 2 bed dwelling would also have a garden depth of only 8m, and due to the tapered shape of the site, this would only have a depth of about 5m at one end. As a 2 bed unit it is possible that future occupiers could include a small family and again the proposed amenity space does not meet adopted SPD guidance or emerging policy. Therefore the substandard private amenity areas for both the

retained and proposed dwelling, is considered contrary to the Borough Design Guide SPD, 2011, adopted policy CS16 and emerging policy H1.

- 7.11 In terms of privacy and overlooking, as a single storey development, the proposal would not result in any direct loss of privacy to existing neighbouring residents. Privacy for future occupiers was a concern of the previous Inspector but this more detailed proposal sites the private garden area entirely to the north, enclosed by higher fencing. This would provide a relatively private area, not overlooked from neighbouring dwellings, just from passing pedestrians, which is not uncommon for corner plots.
- 7.12 In terms of bulk and overshadowing effect on the amenity of neighbours, the eaves height has been kept low, and combined with the digging into the ground, the eaves line would be similar to boundary fencing. The roof above has a steep pitch to a maximum height of 4.2m. Whilst the occupiers of the adjacent property will be aware of the structure, due to the orientation it would not result in any significant overshadowing or harm to outlook.
- 7.13 Overall it is considered the harm to amenity derives from the substandard plot and garden sizes, with inadequate amenity area for future occupiers and occupiers of 17A. This is considered contrary to the Borough Design Guide SPD, 2011, adopted policy CS16 and emerging policy H1.

(iv) Highways and parking

- 7.14 It is noted that the majority of third party representations refer to existing congestion and parking problems in the area. There are however no yellow line parking restrictions in either Avondale Road, Brooklyn Drive or Bramley Close, the only restriction is a white line on the Avondale/Brooklyn junction. These roads are also not classified and hence planning permission would not be required to provide a new vehicular access and dropped kerb. The proposal includes the provision of 2 on site parking spaces, and a shed for secure cycle storage, to serve the proposed 2 bed dwelling, which meets the adopted Parking SPD and policy DM13. These spaces would be provided at the southern end of the site, away from the adjacent drives of 15 Avondale Road and 1 Brooklyn Drive. Therefore there would no longer be the potential conflict of vehicular movements affecting safety that was a previous reason for refusal in 2005.
- 7.15 It is acknowledged that competition for parking spaces is an emotive issue that affects residents amenity and has triggered the third party responses. However in this case, there is no technical reason to resist the proposal on parking grounds. The proposed development provides sufficient on site parking to fully meet policy. The new vehicular access width to serve the new drive would measure 4.8m and with the dropped kerb would result in the loss of about 5m length of kerb line. This equates to the loss just one on street parking space. Considering this could occur as permitted development, then the marginal loss is not considered sufficient to warrant a reason for refusal. It is also noted that the Council's Parking Team made no objection to the proposal.
- 7.16 This has been discussed with Hampshire County Council who agreed with this approach and withdrew their request for a parking survey. They do however continue to note the need to improve pedestrian/vehicular intervisibility with the provision of pedestrian visibility splays of 1.5m x 1.5m being requested. Given the recommendation for refusal on other grounds, this amendment has not been forthcoming, and should any appeal be successful then this matter could be conditioned by an Inspector.

(v) Drainage

- 7.17 Whilst the site lies beyond current day flood zones 2 and 3, nevertheless, third party representations have also raised the fact that the area and site suffers from surface water flooding. It is thought that there is an underground piped Ordinary Watercourse crossing somewhere near the site that is blocked, causing the flooding. As a result both the Local Lead Flood Authority and Council's Drainage Engineer have been consulted on the application and advise that if the route of the culvert is as expected then the proposed development would sever the outfall or be an impediment to the flow. Since the exact location of the watercourse is not known and is likely to be below ground, then it has been recommended that the applicant prepares a drainage report after digging some trial holes to establish its precise location and if found to be within the site, build a manhole to it, to enable maintenance to get it flowing again. Such work would need LLFA consent.
- 7.18 It has also been noted that the drainage solution proposed is via a soakaway but because the soils in the area are mixed and may not be suitable, then a BRE test would need to be done prior to commencement. Had the proposal been recommended for permission this could have been a pre-commencement condition. Alternatively such tests could be included with the recommended drainage report above.
- 7.19 In the absence of any engineering drainage report exploring the surface water issues at the site and providing solutions, then the proposed development would be likely to exacerbate the known surface water flooding issues in the immediate area. This would be contrary to policy CS15 and emerging policy E20.

(vi) Compliance with Habitats Regulations

- 7.20 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.
- 7.21 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement/accept a Grampian style condition to secure the appropriate mitigation packages.
- 7.22 With respect to the Solent Recreation Mitigation Strategy the applicant has been sent the appropriate agreement and Deed requesting the payment of £562.70. However this has not been returned or received and therefore it is considered that this recreational element of the impacts of development have not been adequately mitigated against. This lack of mitigation is contrary to policy DM24. 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.

- 7.23 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. Therefore, on the basis of a refusal of planning permission for other matters, then it is necessary to include the non-provision of the avoidance and mitigation package for recreational disturbance as a reason for refusal.

(viii) CIL

- 7.24 The development is CIL liable for the net additional internal floor space, which is indicated on the CIL forms to be 64.4sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20<sup>th</sup> February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2020 - 49.107%.
- 7.25 The Draft Liability Notice has been prepared, with a liability of £7,682.00 for the proposed development, and the Draft Notice has been sent to the agent.

## **8 Conclusion**

- 8.1 The proposed shape and size of the site is not considered commensurate with the surrounding pattern and character of development in the area and development with a 2 bedroom bungalow results in an overdevelopment of the site, with substandard amenity space for both future occupiers and the retained property. Such a contrived and congested layout would be harmful to the character of the area and the amenity of residents, contrary to the adopted Borough Design Guide SPD and policy CS16. Additionally the surface water flooding in the area has not been adequately addressed and mitigated. It is considered that these harmful social and environmental effects outweigh any positive economic objectives of the proposal and as such the proposal is not considered to deliver sustainable development in accordance with the NPPF. Consequently the proposal is recommended for refusal.

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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00146

(A) for the following reasons

- 1 The size and shape of the plot is not considered commensurate with the

surrounding pattern and character of development in the area and the subdivision of the plot in the manner proposed would represent an overdevelopment of the site, with inadequate amenity space for both future occupiers and the retained property. The contrived and congested layout would be harmful to the character of the area and the amenity of residents, contrary to the adopted Borough Design Guide SPD 2011, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policies E1 and H1 of the Pre-Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.

- 2 On the basis of the information available and in the absence of a detailed drainage report and assessment, it has not been adequately demonstrated that the development would not lead to additional on and off site surface water flooding issues to the site and immediate area. The proposal is therefore contrary to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy E20 of the Pre-Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.
- 3 In the absence of a suitable agreement to secure appropriate recreational mitigation measures, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken in relation to this planning application. The development would be likely to result in increased recreational pressures from future residents and as such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) 2014, policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, emerging Policy E16 of the Pre-Submission Havant Borough Local Plan 2036, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.