

Recommendation: **GRANT PERMISSION**

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)

CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

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

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No objection.

Building Control, Havant Borough Council

No comment on this consultation

Any previous comments still remain. Building Regulation application required for this work.

Crime Prevention -Minor Apps

No response received.

Developer Services, Southern Water

Southern Water would have no objections to the above variation of conditions. The comments in our response dated 10/05/2018 remain unchanged and valid.

Hampshire Highways

The parking arrangement is not as convenient for the occupier than the one originally proposed, as Warblington Road is an un-classified road there is no requirement for a convenient on site turning space to be provided. I therefore confirm the Highway Authority have no objection to this amendment.

Natural England, Natural England Consultation Service

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

Natural England is aware that your authority is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach.

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 existing lawful use of the property.

We advise that you seek and rely on your own legal opinion with regard to this approach.

In the absence of a strategic solution, 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.

Norse South East, Operations Director

No response received.

Waste Services Manager

No response 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: 15

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
We note the orientation of the proposed building has changed and the addition of 2 velux windows to the first floor Western elevation potentially over looking our plot. Will the windows be above eye level and if not obscure? If so we have no objection to the changes. Indeed the new proposal to replace the garage with a room results in a more attractive building than the original proposal.	See section 7.
1. Orientation: The layout of the surrounding area has the dwellings on both sides of Warblington Road set at an angle to the road and staggered with a nominal north-south alignment. This arrangement of a natural stagger to follow the line of the road contributes to the special and spacious	See section 7.

character of this area. The orientation of the proposed development, which was not previously approved, does not follow the pattern of neighbouring properties along Warblington Road. Additionally, the proposed orientation takes its north-west corner towards the line of the existing two storey gable of the adjacent Number 11, thereby reducing the apparent spacing from about 2m to 1.25m, as seen from the street view. The two properties appearing so close together will give an impression of greater bulk and does not reflect existing spatial characteristics.	
2. Building Line: The proposed development encroaches forward of the existing consistent building line along Warblington Road. The minimum distance from the street boundary to any point of the building should be stipulated in the planning permission and shown on any approved plans.	See section 7.
3. Boundary Wall: The Proposed Plans continue to show the length of street boundary wall between the entrances for N011 and the proposed development. This was also shown in the Proposed Entrance Plan for APP/17/00940. During the preparation of the new entrance, the section of wall between the two entrances was demolished, to the detriment of the street scene. The plans imply that this will be reinstated.	There are no changes to the details of the boundary wall as previously approved under APP/18/00297. A condition requiring details of all boundary treatments was included on this permission. Any such details would need to be agreed prior to any construction. This would include the front boundary wall.
4. Landscaping. The SPD states for the local area to "encourage residents to maintain and enhance their landscaped gardens". The present proposals for the development seem to remove all of the mature trees and shrubs existing on the plot. The entire "landscaped" area of the proposed development consists only of hard surfacing and grass. The proposed orientation of the dwelling reduces the available area for car parking and landscaping.	The proposed landscaping is not the subject of this application and will be considered under a separate application. A landscaping condition was included as part of APP/18/00297 which requires further details of landscaping to be approved prior to any above ground construction.

5. Ridge height. The ridge height appears from the plans to be approximately 7.0m, which would be acceptable compared with neighbouring properties. Any planning consent should specify the maximum allowable ridge height above ordnance datum. I have no objection in principle to the development. I do object to the current planning application in line with my above comments. It must comply with the adopted policies of the Borough.	There is no change to the ridge height of the scheme approved under APP/18/00297.
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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) Car parking and highway issues
- (v) Developer contributions
- (vi) Impact on ecology

(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. The principle of the additional dwelling is already approved and this application is submitted as a Section 73 application to vary the approved plans, parking layout, convert the garage to habitable accommodation and changes to doors and windows to the proposed elevations.

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

7.3 The proposed changes are as follows:

- Condition 7 - Revision to parking layout as shown on approved plan KAD 01 A PPNB rev H, introducing an additional parking space to the front of the site.
- Condition 9 - Removal of this condition to allow the proposed garage to be converted to living accommodation, replacing the garage door with a new window.
- Condition 11 - Vary the approved plans to change the siting of the proposed property, the provision of two rooflights on both the eastern and western roof slopes, revisions to the positioning of a door and windows on the ground floor northern elevation, an increase in the size of the opening on the ground floor western elevation, a revision to the design of the front door and replacing the garage door with a new window on the southern elevation.

- 7.4 Concerns have been raised regarding the re-siting of the proposed property. The property has been re-sited to be approximately parallel with the site boundaries and whilst this would reduce the distance between the new dwelling and number 11, there would be a minimum distance of 1 metre increasing to 1.5 metres to the western boundary, with the eastern elevation of the property at number 11 a further metre away.
- 7.5 There would be a distance of 3 metres from the eastern boundary of the site, and the property at number 9 is situated a minimum of 1 metre (at the northern-most point) and a maximum of 6.8 metres from shared boundary.
- 7.6 It is acknowledged there is a degree of uniformity in the building line of Warblington Road, however the properties are a mix of designs and styles. Although the position of the property has been amended, any resulting impact on the existing spatial characteristics is not considered so great as to constitute a defensible reason for refusal.
- 7.7 It is considered the revision to the siting will not materially affect the character and appearance of the area. The site is large enough to accommodate the recommended two on site parking spaces to the front of the property.
- 7.8 The proposed changes are deemed appropriate and therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.9 Impact on 11 Warblington Road velux windows slightly closer to boundary
Concern has been raised regarding the proposed roof lights in the western elevation of the property regarding potential overlooking of the rear amenity area of this property. In order to mitigate any impact a condition is recommended for these roof lights to be fixed shut with obscure glazing. Whilst the re-siting would result in the building being slightly closer to and set back further from this property it is considered any resulting impact would be negligible. It is judged the substitution of french doors to bi-fold doors on the western elevation would not have a harmful impact on the occupiers of this property.
- 7.10 Impact on 9 Warblington Road
There are two roof lights in the eastern elevation of the property which could potentially result in overlooking the main amenity area of this property which is situated to the front of the dwelling. In order to mitigate any impact a condition is recommended for these roof lights to be fixed shut with obscure glazing. Whilst the re-siting would result in the building being slightly closer to this property it is considered any resulting impact would be negligible.
- 7.11 Impact on 2 Kinnell Close
The rear garden of the proposed dwelling would have a minimum depth of 10.6 metres at ground floor from the rear elevation of the proposed 4.8 metre wide sun room, with the majority of the rear garden being 13.5 metres deep. The garden of the property directly to the rear has a depth of 8 metres. This accords with the recommended 20 metre back to back separation distance set out in section 5.05 of the Havant Borough Council Design Guide SPD. It is considered the repositioning of the door and window and the introduction of bi-fold doors in the main rear elevation of the property would

not have a harmful impact

7.12 Impact on 10, 12 and 14 Warblington Road

The proposed dwelling is set back a minimum of 5.6 metres and a maximum of 13.6 metres from the highway. Therefore in terms of potential overlooking and loss of privacy, the impact on the dwellings opposite the application site as a result of the new window and re-designed door would be negligible. The impact is therefore considered to be acceptable in planning terms.

- 7.13 On balance, it is considered that the proposed changes would have limited and acceptable impact on the properties immediately adjacent to the application site, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Car parking and highway issues

- 7.14 With respect to the removal of Condition 9 to convert the proposed garage to living accommodation, there is no change in the number of bedrooms, therefore the parking provision remains unchanged from the previously approved plans. As the conversion of the garage would result in the loss of one parking space, there would be a requirement for two on site parking spaces as recommended in the HBC Parking SPD (July 2016). A parking plan has been submitted as part of the application to reflect this and a condition is recommended to retain the spaces for parking at all times. It is noted the Highway Authority have no objection to the amendment.

(v) Contributions

- 7.15 There is no increase in the amount of floorspace from the application permitted under APP/18/00297, therefore no additional CIL payment is applicable in this instance.

- 7.16 This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan, covers this issue and allows for a financial contribution to be made towards mitigation measures.

- 7.17 This development would also increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan, covers this issue and allows for a financial contribution to be made towards mitigation measures. The relevant paperwork was returned and the contribution paid under the previous permission APP/18/00297. The proposal therefore accords with Policies CS11, CS21 (Developer Contributions) and DM24.

(vi) Impact on ecology

- 7.18 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file.

- 7.19 Natural England has advised the appropriate assessment concludes that the LPA 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 existing lawful use of the property.

- 7.20 Natural England 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.

8 Conclusion

- 8.1 It is considered that the proposed amendments would have limited and acceptable impact on the neighbours, subject to an additional condition and is therefore considered to be appropriate and recommended for approval. As a Section 73 application the original conditions are repeated.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00731 subject to the following conditions

- 1 The development must be begun not later than 28th June 2021.
Reason: To comply with the requirements of Section 73 and 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 No development shall take place until finished floor levels for the proposed building relative to 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: In the interests of the amenities of the area having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework 2012.
- 4 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 CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development hereby permitted shall be commenced until a 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, 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No development hereby permitted shall commence 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. 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.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The new dwelling shall not be occupied until space for the parking of vehicles and other vehicular access arrangements (including the provision of dropped kerbs) for the new dwelling have been provided within the site and surfaced with permeable materials in accordance with the details shown on approved drawing no. 100/200-A-D rev D. Such areas shall thereafter be retained and used solely for those purposes.

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.

- 8 No development hereby permitted shall commence until plans and particulars (including elevations of the front boundary wall) specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

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.

- 9 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the roof lights in the eastern and western roof slopes serving bedrooms 2 and 3 as indicated on approved drawing no. 100/200-A-D Rev D shall be fitted with 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.

- 10 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension or outbuilding permitted by Classes A, B or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To protect the amenity of the area and to secure satisfactory levels of private amenity space for future residents and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg no. 100/200-A-D Rev D Site plan, proposed floor and elevations plan

Reason: - To ensure provision of a satisfactory development.