
Site Address:	62 Havant Road, Emsworth, PO10 7JG		
Proposal:	Erection of 1No. 4 bed detached dwelling with access from Beach Road.		
Application No:	APP/19/00432	Expiry Date:	12/07/2019
Applicant:	Mr Evans		
Agent:	Mr Butt	Case Officer:	Lewis Oliver
	Now Chartered Surveyors		
Ward:	Emsworth		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site comprises part of the rear garden of 62 Havant Road, with the side western boundary being adjacent to Beach Road. The boundary treatment is a 1.8metre brick wall. A detached garage/workshop lies close to the southern boundary of the application site. The existing property and surrounding area is defined by large 2.5/3 storey properties, which are of red multibrick and tiled roofs. There are also some recent infill residential properties which have been built in the area. The site is level although all boundaries around the application site are brick walls; and the existing garage is accessed from Beach Road in the south west of the site.

2 Planning History

No relevant planning history.

3 Proposal

The proposal is for the erection of 1No. 4 bed detached dwelling with access from Beach Road.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

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

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

5 **Statutory and Non Statutory Consultations**

Building Control, Havant Borough Council

Building Regulation consent will be required for this work

Observations:

Location of solid waste storage not shown on plans should be in accordance with Approved Document H

Location of property with regards to boundary location to be compliant with Approved Document B requirements due to unprotected areas (openings)

Community Infrastructure, Planning Policy & Urban Design

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

We note that CIL Form 7(1) has been completed in respect of this self-build project, the exemption will be confirmed once the decision has been issued.

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

Hampshire Highways

I believe the application to be incomplete in that a drawing showing the existing parking and manoeuvring facilities should be provided along with an explanation of which parking space(s) are allocated to which dwelling. It appears the proposed access will serve the parking area for the proposed dwelling, but no car parking spaces are obviously indicated. I have concerns over the location of the parking spaces for number 62 because they are located so close to the access on the corner of Beach Road and A259 Havant Road that there is no obvious space for vehicles to manoeuvre within the site so they can enter and leave in a forward gear.

I shall be grateful if an explanation and a revised drawing could be obtained taking into account the previous paragraph.

Officer comment: See Section 7(iv) of this report.

Natural England Government Team

(A) Further Information Required - Deterioration of the water environment

The application site is within 1km of the Solent Maritime Special Area of Conservation (SAC) and Chichester and Langstone Harbours Special Protection Area (SPA). With regard to the integrity of the designated sites, we advise that there is currently

uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the international sites.

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

The proposal comprises new housing development and has inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

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

Natural England advises that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. LPAs will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens.

Natural England has prepared a methodology setting out how this can be achieved and this is attached for your information. It is appreciated that this may be difficult for smaller developments or developments on brownfield land. Natural England has advised that your authority set up an interim approach that developments can contribute to thereby ensuring that this uncertainty is fully addressed by all applications. Natural England is working closely with affected local planning authorities to help address this issue. Natural England can also provide further advice to the applicant on mitigation options under our Discretionary Advice Service. Please note we advise that the competent authorities to whom Natural England gives its statutory advice on the environment will need to seek and rely upon their own legal advice on the interpretation of the Habitats Regulations and case law.

(B) Solent Recreation Mitigation Strategy – no objection subject to condition

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that

Havant Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

The Appropriate Assessment has taken this into consideration, therefore, providing the appropriate mitigation is secured by any approval, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

(C) Biodiversity Enhancement

Natural England refer your authority to our national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraph 109. Natural England recommend that an appropriate level of enhancement, such as the addition of bat boxes and/or bird boxes, are secured as part of this application.

6 Community Involvement

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

Number of neighbour notification letters sent: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

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

Recreational Pressure

- 7.2 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.
- 7.3 The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would

remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24. However, this has not been secured by binding arrangements.

Water Quality

- 7.4 There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.
- 7.5 The applicant has not been able to provide enough information in order to undertake any assessment regarding the impact of the proposed development on water quality. As such, it is not possible to reasonably assess whether the application would achieve nutrient neutrality.

Overall conclusion

- 7.6 There remains a likely significant effect from the proposed development on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA. As such, it would not be lawful for the Local Planning Authority to grant planning permission for the proposed development.
- 7.7 In other respects, having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- (i) Principle of development
 - (ii) Impact upon the character and appearance of the area
 - (iii) Impact upon residential amenity
- (i) Principle of development
- 7.8 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The addition of a new dwelling in such a location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. The updated NPPF 2019 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...".
- 7.9 It should also be noted that the Council has its emerging Pre-Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

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

- 7.10 The proposal to construct a detached two storey property on the site would have a significant impact on the existing spatial setting of the application site and its surroundings. At present, there is a sense of openness on this section of Beach Road, close to the junction with Havant Road. This spaciousness forms an integral part of the spatial characteristics of the street scene in Beach Road. Whilst it is accepted that in the area examples of infill developments have taken place, these have been of a size, scale and design that help integrate the development into the character of the area.
- 7.11 The proposed dwelling would have a width of 9.4 metres and a maximum depth of 12 metres at ground floor and 6.3 metres at first floor. It would have a hipped roof with an eaves height of 5.2 metres and ridge height of 8.5 metres. The proposed materials are to be render with a slate roof. The siting of the dwelling is such that it occupies the north eastern part of the site, with the northern elevation 1m off the shared boundary with No.62 Havant Road and the eastern elevation 1.5m off the shared boundary with No.60.
- 7.12 Policy CS16, in seeking High Quality Design, requires developments to respect their local context and states specifically at 1.c) that "Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;". The importance of high quality design is also set out in the National Planning Policy Framework (NPPF) which states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.13 It is considered that the proposed development of this size and scale, and with a cramped location in relation to both the northern and eastern boundaries, would mark a significant change to the existing characteristics of this part of Beach Road/Havant Road, introducing a much more intensely developed built form that is distinct from the prevailing spacious character of the area and does not achieve an effective transition between the respective patterns of development to the north, south or the west on this highly visible plot.
- 7.14 In terms of its elevational treatment it is considered that the proposed design solution lacks symmetry and does not relate either to the local area or surrounding houses, neither does it establish a high quality contemporary or innovative design, which addresses this sensitive site. This is emphasised through the size, scale and design which would bring stark elevations that would not sit well in the context of the area. It is considered that this approach lacks a sense of proportion and balance, which would result in the development having an adverse impact on the character and appearance of the area.
- 7.15 On the above basis it is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious character. Furthermore, when viewed alongside the adjoining dwellings on all sides of the site, the proposed development would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout or scale and in that respect it would conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2018.

(iii) Impact upon residential amenity

- 7.16 In assessing the impact on neighbouring amenity, the main impacts are considered to be to 60 Havant Road, which is to the east of the application site. This property is 2.5 storeys and is largely the same size as the existing property on the application site. The proposed dwelling is proposed to be located approximately 1.5metres from the boundary with 60 Havant Road, with the rear garden of this neighbouring property being located on the other side of the boundary. As outlined above the proposed dwelling facing this boundary would be 12 metres in depth, 5.2metres to eaves height, and 8.5 metre to the ridge. The Havant Borough Design Guide SPD provides guidance in relation to separation distances between properties requiring 24m between 2 and 3 storey buildings. This is not achieved in relation to No.60, and the proposal would appear overbearing when viewed from both within 60 Havant Road and from its private amenity space, and therefore have an unacceptable impact.
- 7.17 The proposal includes a number of high level windows facing 60 Havant Road, however these are high level windows, which could be obscure glazed if permission were to be recommended on this site - this could be secured via a condition. On this basis it is not considered that the development would result in significant overlooking to justify a reason for refusal on this issue.
- 7.18 In applying the light test within the Councils Design Guidance to these properties it is not considered that any impact on light would in itself be sufficient to warrant a refusal of permission.
- 7.19 Overall, it is considered that the proposed development would have an unacceptable impact on the amenities of adjoining residents as a result of overbearing impact.

(iv) Highways and Parking

- 7.20 The proposed dwelling has four bedrooms, consequently there would be a requirement for three off road parking spaces to meet the requirements of the Borough Parking SPD. This can be achieved by utilising the existing parking provided in front of the existing detached garage. The existing dwelling would utilise an existing access and car parking provision, which provides 4 spaces, which is on the corner of Havant Road and Beach Road. Whilst it is noted that the Highway Authority has queried the use of this off road car parking provision in terms of safe access and manoeuvrability, it is in use and has been for an extensive amount of time, and is therefore the fall-back position in this instance. A condition could be added if permission were to be recommended to ensure that measures are included to allow vehicles to turn and egress from the site in forward gear. Therefore it is not considered that the use of the existing car parking spaces and access would have a significant adverse impact on the safety or free flow of the highway network given the existing fall-back position.

(v) Developer Contributions

- 7.21 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in

the borough. The levy is charged at £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.

- 7.22 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The applicant is claiming self build exemption.

8 Conclusion

- 8.1 The proposed new dwelling is considered to be of a size, scale, massing and design which does not accord with local planning policy in that it would be highly prominent due to its location, and would be harmful to the existing character and appearance of the area conflicting with the established pattern of development and spatial characteristics and setting of the street scene. The proposal would also result in significant overbearing impact on the amenities of 60 Havant Road. Furthermore, essential mitigation measures in relation to the development's impact upon the Solent SPA sites have also not been secured and the applicant has not been able to provide information in order to undertake the necessary assessment regarding the impact of the proposed development on water quality.
- 8.2 These matters are considered to outweigh the limited benefits that would arise from the addition of a new dwelling, which would make only a very modest contribution to the Council's housing requirements. The recommendation is therefore to refuse this application.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00432 for the following reasons:

- 1 The proposed dwelling would by reason of its size, design and prominent siting be harmful to the existing character and appearance of the area conflicting with the established pattern of development and spatial characteristics and setting of the street scene of Beach Road. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2018.
- 2 The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring property of 60 Havant Road. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 3 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas due to the increase in recreation as a result of the development, and so is contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.
- 4 The proposal, in the absence of an assessment of nutrient discharge and

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