

Recommendation: **REFUSE PERMISSION**

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)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No comment at this time other than to confirm Building Regulation consent will be required

Community Infrastructure, Planning Policy & Urban Design

CIL Liable.

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 dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

As the statutory expiry date of this application is after 1 April the updated rates supplied by the partnership effective 1/4/19 will apply.

Highway Authority

No adverse comment

Developer Services, Southern Water - 1st Comment

The plans provided by the applicant for assessment indicate that the public sewer run is inconsistent with public records. To support this statement, the applicant is required to submit the report and results from the drainage survey carried out.

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer within the site. The exact position of the public foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development-No development or new tree planting should be located within 3 meters on each side of the external edge of the public sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Construction over or within standoff distance of public sewer will not be permitted. It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the

measures which will be undertaken to divert the public sewers, prior to the commencement of the development.”

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Informative

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or

www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructurecharges>

Developer Services, Southern Water - 2nd Comment

The plans provided by the applicant for assessment indicate that the public sewer run is inconsistent with public records. To support this statement, the applicant is required to submit the report and results from the drainage survey carried out.

All other comments in our previous letter dated 09/04/2019 remain valid and unchanged.

Hampshire Constabulary

No comments.

Highways Engineer, Development Engineer

No adverse comment.

Natural England, Natural England Consultation Service Nutrient Neutrality – no objection subject to mitigation

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 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.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

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.

Norse South East, Operations Director

No comments.

Waste Strategy Team Leader, Community Group

No concerns over waste collection

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: 4

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 1

Councillor Crellin	Officer Comment
There is no room for anymore vehicles to park on Purbrook Way as you can see by photos submitted to you, vehicles used by local residents	See Section 7 below.

are more than the road can cope with, over the last two years the residents of Purbrook Way are parking in Winchfield Crescent Awbridge Road and St John's Road, as I have lived in the area for over 50 years I have seen the comings and going of people trying to park every evening, they often park on double yellow lines which are on the corner of Purbrook Way and Awbridge road and mine and other visitors to Winchfield Crescent cannot Park to visit us. The situation has in my view become critical ,so therefore it is my view that this application be refused.

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) Parking
- (v) Drainage
- (vi) Developer Contributions and Nutrient Neutrality

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

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

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

The proposal is two storey dwelling with a single storey to the rear which would extend an existing row of terrace dwellings to the north. The design of the dwelling respects the layout and character of the surrounding area and would be in keeping with the character and appearance of the locality in accordance with the Havant Design Guide, SPD. The materials would be concrete tiles and stock facing brick, which would reflect the adjoining terrace. The extension of the terrace would reflect the building line of development fronting Purbrook Way to the west and therefore would not be out of place or adversely affect the character or appearance of the street scene.

The proposed rear garden would be approximately 8.5 m, dropping down to 7.6 m, which would not be in accordance with the advice in the Havant Design Guide. However, the proposal would benefit from a reasonable size garden to the north of the

proposal, which would compensate for the limited garden to the rear.

As to the existing dwelling, this would retain a garden length of between 10 to 12m.

The design and appearance of the proposal is deemed appropriate in context to the locality and is 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

As to the existing dwelling to the south the proposal would result in the loss of 2 small windows at first floor level on the flank elevation and a door, which is currently blocked off, to facilitate the proposal. In addition, the single storey element on the proposal would project out to the west by 3 m. Currently there is an existing mono pitch single storey shed to the rear of the existing dwelling, with a door to the kitchen behind it. It is proposed that this shed would be removed, to facilitate the proposal. As to the 45 degree test to the property to the south this has been demonstrated to be satisfied in respect of the window to the kitchen. As to the door to the kitchen this is partly glassed, and at the end of the day, would be cast in some shadow by the single storey element. That said, the glassed door is currently in shade most of the day due to the position of the shed - part of which is immediately to the front of the door. The demolition of the shed, and the erection of the single storey element would be an improvement in terms of light for this property.

The proposal would have 3 side windows on the north flank wall; 2 at ground floor, 1 at first floor which would provide light to the landing. As to residential development to the north the proposal would have no material impact on the occupiers' amenity, due to the separation, with the closest dwelling on the other side of the road approximately 30 m away, which has a flank wall to the south.

As to the closest dwelling to the west this is approximately 10m away, with only two small first floor window serving a landing and bathroom. This relationship is considered acceptable.

(iv) Parking

The Highway Authority (HA) has raised no objection to the proposal, however, it should be noted that they do not consider parking requirements for the development. The proposal does not include any on-site parking; nor does the existing dwelling benefit from parking. This is due to changes in levels from the site to the highway.

Policy DM13 of Havant Borough Core Strategy 2011 states:

"Residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document."

Havant Borough Council's Parking SPD sets out off-street parking standards relating to new development in the Borough, in recognition that "...developments should not create undue impact on the built environment, street congestion, road safety issues or create tensions within a community". The SPD goes on to state "The Council considers that there is clear and compelling justification for local parking standards to ensure that there is adequate parking provision both in new residential developments

and around our town centres and high streets."

As a proposed 2 bed dwelling the development should provide 2 spaces as well as cycle storage to meet the Parking SPD. A shed is proposed to the rear which would provide adequate secure cycle storage. As set out in the Havant Parking SPD, any "Reductions in parking standards should be justified in the Transport Assessment or Design and Access Statement accompanying a planning application." The applicant has submitted a revised 'Site Accessibility & Parking Survey', taken initially over five days, between 07.00 and at 19.30 onwards. This was extended to 7 days, to cover a weekend. The survey found that within 200m of the development, during peak periods there were spaces available from a minimum of 3 up to 14 spaces. Havant's Parking SPD states that when Car Parking Surveys are undertaken, they should be "... over a period of at least one week including both weekends and weekdays at a variety of times throughout the day including late in the evening and early in the morning. This will allow a true reflection of the existing car parking arrangements to be established and this should be submitted with the planning application." The survey does not cover all the periods required by the Havant Parking SPD and some additional information was submitted.

Third party evidence in the form of photographs of vehicle parking on Purbrook Way was mainly taken between the hours of 7 to 9 am and 6 to 8pm, which appears to conflict with the survey provided by the applicant. This indicates that on-street parking was very restricted during these times, when it would have been more than likely that residents would be at home for the night and on-street parking would be at a premium.

As to the evidence submitted and the Case Officer's observations, there is a high demand for on-street parking on Purbrook Way, particularly early evening and overnight. The proposal would be likely to exacerbate this situation perceptibly. Whilst the current situation of trying to find a car parking space may be accepted by neighbours, the lack of car parking provided by the proposal, would increase competition for the limited car parking that is available, giving rise to an unacceptable inconvenience to the living conditions of neighbouring occupiers, with particularly regard to parking congestion, with the potential of leading to frustration and resentment within the community, against the occupiers of the development. Policy CS16 among other things seeks high quality design that does not cause unacceptable harm to the amenity of neighbours and Policy DM13 seeks to permit development where it provides car parking and cycle storage in accordance with the standards set out in the SPD.

It is acknowledged that the development would have some sustainability benefits; especially that it is sited within the built up area of Havant, where there are a range of services, facilities and employment opportunities and that one additional dwelling would make a modest addition to the Council's housing stock. However, due to the lack of on-site parking, the proposal would be significantly harmful, to the living conditions of neighbouring occupiers and the occupiers of the proposal and that outweighs the benefits associated with the scheme. Therefore, the proposal would be contrary to Policies CS16 and DM13 of the Havant Borough Core Strategy 2011 and Havant's Car Parking SPD.

(v) Drainage

Southern Water advised that the plans provided for the drainage were inconsistent with public records. To support the information provided, the applicant was required to submit a report and results from the drainage survey carried out. The applicant

responses have failed to address the points raised by Southern Water, so the matter remains outstanding. That said, if permission was forthcoming, a pre-commencement condition may be imposed, requiring a drainage survey(s) and report confirming the position of the drainage.

(vi) Developer Contributions and Nutrient Neutrality

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 £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the dwelling has been calculated by the agent as 73 sqm which generates a current CIL liability of approximately £8,707.86. The applicant is currently not claiming self build exemption.

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and the decrease in water quality that would be the result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to a Grampian condition/enter into a legal agreement to secure the mitigation packages.

A Unilateral Undertaking has been completed and returned for the Solent Mitigation Recreation Strategy and the fee of £545 has been paid

8 **Conclusion**

The construction of a dwelling on the site would be acceptable in principle and, in the manner proposed and should not have an impact on the amenities of occupiers of neighbouring properties or the street scene.

However, development of the site in the manner proposed would not provide adequate provision of onsite car parking in accordance with the Local Planning Authority's adopted standards set out in the Havant Borough Council Parking SPD and therefore the proposal would have a detrimental impact on the amenities of occupiers of the building and the locality. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and Havant's Car Parking SPD.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00214 subject to the following reason:

- 1 Development of the site in the manner proposed would not provide adequate provision of car parking in accordance with the Local Planning Authority's adopted standards set out in the Havant Borough Council Parking Supplementary Planning Document and would therefore have a detrimental impact on the amenities of occupiers of the building, nearby residents and the locality. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.