
Site Address:	32 High Lawn Way, Havant, PO9 5BP		
Proposal:	Construction of two storey end of terrace dwelling with addition of rear dormer and single storey rear extension to existing dwelling (Revised Application).		
Application No:	APP/18/01045	Expiry Date:	11/12/2018
Applicant:	Mr & Mrs Robinson		
Agent:	Mr Mallen	Case Officer:	Bee Crawford
	Thorns-Young Ltd.		
Ward:	Battins		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site comprises the side garden and land which forms part of a two storey end of terrace property which has a brown tiled pitched roof and elevations of red multibrick. The site is level and situated on the corner of High Lawn Way and Foxcott Grove. There is open vehicular access to the front and an area of grass and shingle with a 1.2 metre high wall to part of the front boundary. The side garden is grassed with heras fencing to the front and 1.8 metre high fencing to the side and rear boundaries.
- 1.2 The adjoining two storey terraced property is to the west, the front aspect of two storey terraced properties in Foxcott Grove are to the east, a pair of two storey semi-detached properties are opposite and a two storey block of flats are to the rear beyond an electricity sub station. The area is of medium density with two storey semi-detached, terraced properties and purpose built flats of a similar age, style and design.

2 Planning History

APP/10/00760 - Construction of 1No. semi-detached two bed dwelling with detached single storey garage and new vehicular access from Foxcott Grove., REF,20/12/2010
APP/17/01339 - Construction of two storey end of terrace dwelling(approved 14.02.18).Request to discharge condition No's 2,3,4,5 and 6 (14.12.18). Request to fully discharge Condition 4 (16.08.19)., PERM,14/02/2018
APP/18/01288 - Conditions 2 and 6 - Materials Outer walls and boundary wall - LBC Heathers. Colour match to No. 32 Roof - Redland 49 tiles. Colour brown/antique red to match No. 32 Driveway - Bret omega 50 block. Colour brindle/autumn gold with charcoal edging. Condition 3 - Levels Ground and first floor levels to be identical to those in the existing No. 32. Garden and driveway to be minimum 150mm below these. Condition 4 - Drainage Separate SWA. Approved layout with levels attached. Condition 5 - Landscaping Rear garden to be levelled and laid mainly to lawn. No trees or substantial shrubs to be planted, only some domestic bushes/flowering plants. The 900mm high brick boundary wall is shown as a black thick line on the drainage layout.

3 Proposal

- 3.1 The proposal is for the construction of a two bedroom, two storey end of terrace dwelling with addition of rear dormer and single storey rear extension to both the existing and proposed dwelling (Revised Application). It should be noted the development is nearing completion with conditions discharged from the previously approved application APP/17/01339.

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)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

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

No comment received.

Community Infrastructure

CIL liable - self build exemption claimed.

Crime Prevention -Minor Apps

No response received.

Developer Services, Southern Water

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public sewer.

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.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The applicant has not stated details of means of disposal of fou drainage from the site.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

“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”.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The proposed development would lie within a Source Protection Zone as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the water supply source.

NB: Informative recommended.

It should be noted that if the site falls within a Source Protection Zone, the Council consults the Environment Agency for commercial development only.

Highways Engineer, Development Engineer

I have no adverse comment to the application.

Natural England Government Team

Nutrient Neutrality

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

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.

Public Spaces

No response received.

Waste Services Manager

I have no concerns over waste collection regarding this planning 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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

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 on the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Developer contributions
- (vi) 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 management criteria. The provision of a new dwelling would make a modest contribution towards meeting the Council's requirement for providing new homes across the Borough under Core Strategy Policy CS9.

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

7.3 The immediate locality is residential in character comprising similar style dwellings contained within short terrace rows. The proposal would be a continuation of the existing terrace in terms of height and the revised scheme includes the provision of a rear dormer and an increase in the width of the property by approximately 1.1 metre to match the host dwelling. The proposed dwelling would have a rear garden depth comparable with other dwellings in the locality (other than the section reserved for parking) and acceptable for that of a two bedroom dwelling. Overall the dwelling would sit comfortably within the character of the immediate area and would not set a precedent that would lead to further development, out of keeping with the established pattern of development within the street scene.

7.4 The revised scheme has included the provision of a rear dormer and whilst in isolation the dormer meets the criteria of permitted development, the previous permission granted under APP/17/01339 withdrew permitted development rights for extensions including any to the roof. The rear dormer is relatively large and highly visible from the public realm , however it was under construction at the time this application was

submitted and does not result in any unacceptable level of overlooking. Furthermore, considering there are other examples of similar rear dormers within the surrounding area, it would be inappropriate to now resist the proposal for its impact in street scene terms.

- 7.5 The revised design and appearance of the proposal is therefore deemed appropriate in context and is judged to be acceptable, meeting the requirements of policy CS16 of the HBLP (Core Strategy). It is considered that the proposal would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.6 The proposed new dwelling is attached to the eastern side of the host property and there would be a distance of approximately 3 metres to the boundary with the highway which is considered to be acceptable. There is one small ground floor window serving a cloakroom and no first floor windows in the eastern side elevation of the dwelling and the front elevations of properties in Foxcott Grove are in excess of 20 metres away. It is therefore deemed the new property is far enough away from these properties for any impact to be negligible.
- 7.7 The side elevation of the properties to the south are in excess of 23 metres away and set back from the rear elevation of the proposed dwelling (with an electricity sub station in between). Whilst the first floor windows in the rear elevation of the new dwelling could potentially overlook the front amenity area of the properties to the south, this is 20 metres away and not considered to be the primary amenity area, therefore any perception of loss of privacy would not be unacceptable. There are no windows in the side elevations of these properties and it is therefore deemed they would not be adversely affected by the proposal.
- 7.8 It is judged that the new dwelling would have minimal impact on the attached property at no. 32 as it would follow the same building line and the front elevations of the properties opposite are roughly 25 metres away.
- 7.9 With respect to the single storey rear addition at number 32, although it extends across the rear of the property it has a modest depth of 2.7 metres with a mono-pitched roof to an eaves height of 2.3 metres and ridge height of 3.6 metres. It is therefore considered any impact on the property at number 30 would not be unacceptable. In isolation this element of the scheme could be built within the realms of permitted development. It is noted that no objections have been received with respect to the scheme.

(iv) Highways and parking

- 7.10 There are two bedrooms proposed in the property, subsequently there will be a requirement for two on site parking spaces as recommended in the HBC Parking SPD (July 2016). The proposed block plan submitted reflects this.
- 7.11 The block plan shows a new vehicular access to both the existing and proposed property and a condition should be incorporated stating a dropped kerb vehicular access is required and an informative note attached stating that works on the highway require the approval of the Highway Authority (HCC).

(v) Developer contributions

- 7.12 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.
- 7.13 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 84.68 sqm which generates a total CIL liability of approximately £9,466.01. It is noted that self build exemption has been claimed in relation to the development.

(vi) Ecology

- 7.14 The application has been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to a net increase in population, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. Furthermore the development is not necessary for the management of the European sites.
- 7.15 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 results of the proposed development.
- 7.16 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 (SRMS). The second is a package of measures based on the Council's Position Statement on Nutrient Neutral Development. The applicant has entered into a legal agreement to secure the SRMS mitigation package, and the relevant contribution and deed have been received. With respect to water quality the applicant's commitment to providing a mitigation package in accordance with arrangements set out in the Council's Position Statement on Nutrient Neutrality has been received.
- 7.17 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.

8 Conclusion

- 8.1 The proposed development would make a modest contribution to the Council's housing requirements in an established residential area. It is considered to be of sufficiently high quality design and sympathetic scale and mass as to be acceptable in this context. Subject to conditions, it would not adversely affect the amenity of the neighbouring properties. An Appropriate Assessment has been carried out under Regulation 63 which concluded that proposed mitigation is sufficient to remove the likely significant effect on the SPAs that would otherwise occur. The recommendation is therefore to grant planning permission subject to conditions.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01045 subject to the following conditions

- 1 The development shall be carried out in accordance with the details of materials submitted:
Outer walls and boundary wall - LBC Heathers. Colour match to No. 32
Roof - Redland 49 tiles. Colour brown/antique red to match No.32
Driveway - Bret omega 50 block. Colour brindle/autumn gold with charcoal edging
approved by the Local Planning Authority on 21 January 2019 under reference APP/17/01339. All such approved materials All such approved details of materials shall be carried out prior to occupation.
Reason: To ensure the appearance of the development is of appropriate quality and having due regard to policies and proposals CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.
- 2 The development shall be carried out in accordance with the details of levels submitted:
Drawing No. 102 Block Plan Rev A received 11/07/2019
approved by the Local Planning Authority on 17 July 2019 under reference APP/17/01339. All such approved details of levels shall be carried out prior to occupation.
Reason: To ensure the appearance of the development is of appropriate quality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The development shall be carried out in accordance with the details of drainage submitted:
Drawing No. 17.033.JR.01 Rev C received 22/05/2019
Drawing No. 2207.18 Rev B received 21/08/19
Drawing No. 2207.18 Foul drain layout
approved by the Local Planning Authority on 23 October 2019 under reference APP/17/01339. All such approved details of drainage shall be carried out prior to occupation.
Reason: To ensure the appearance of the development is of

appropriate 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.

- 4 The development shall be carried out in accordance with the details of soft landscaping submitted:
Plan 102 Rev A - Existing and Proposed Block Plans (with annotations)
Application Form
approved by the Local Planning Authority on 15 March 2019 under reference APP/17/01339. All such approved details of soft landscaping shall be carried out prior to occupation.
Reason: To ensure the appearance of the development is of appropriate quality and having due regard to policies CS11.1, CS11.2, CS11.4, CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The development shall be carried out in accordance with the details of hard surfacing submitted:
Driveway - Bret omega 50 block. Colour brindle/autumn gold with charcoal edging
Boundary wall - LBC Heathers. Colour match to No. 32
Plan 102 Rev A - Existing and Proposed Block Plan (with annotations)
approved by the Local Planning Authority on 15 March 2019 under reference APP/17/01339. All such approved details of hard surfacing shall be carried out prior to occupation.
Reason: To ensure the appearance of the development is of appropriate quality 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.
- 6 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 both the existing property (No. 32 High Lawn Way) and the new dwelling have been provided within the site and surfaced with permeable materials in accordance with the details shown on the approved Block Plan. 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.
- 7 The new dwelling shall not be occupied until facilities for the parking of cycles for both the existing property (No. 32 High Lawn Way) and the new dwelling have been provided within the site in accordance with the details shown on the approved Block Plan. Such facilities shall thereafter be retained and used solely for those purposes.
Reason: In the interests of securing appropriate options for alternative modes of travel and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension or outbuilding permitted by Classes A or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall

be constructed within the curtilage of the new dwelling 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.

- 9 The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

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

Location plan

Block and parking plan

Drg no. 2207.18 rev B Proposed floor and elevations plan

Drg no. 2207.18.2 Proposed floor and elevations plan

Reason: - To ensure provision of a satisfactory development.

