
Site Address:	15 Elm Park Road, Havant, PO9 2AD		
Proposal:	Construction of 1No. detached 3 bed dwelling with parking. (Revised application)		
Application No:	APP/19/00257	Expiry Date:	01/05/2019
Applicant:	Mr A Carter		
Agent:	Mr M Wilkes	Case Officer:	Lesley Wells
	M2 Architecture		
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The proposal is on the west side of Elm Park Road, within the garden of No. 15. The host dwelling is semi-detached with a double garage to the side. The Telephone Exchange is to rear, with its car park adjoining the application site to the north. The site is located within a residential area, with various types of designs, styles and finishes to the properties. The site falls within the 5.6 km buffer zone for the Solent Recreation Mitigation Strategy (SRMS)

2 Planning History

APP/18/01061 - Construction of 1No 4 bed dwelling with parking., WD,14/12/2018

3 Proposal

- 3.1 The proposal is for the demolition of an existing double garage and its replacement with a detached two storey 3 bedroom dwelling with a single storey element to the rear, with 2 parking spaces to the front and cycle storage to the rear. The front wall would be removed to facilitate on-site parking and an existing dropped kerb widened to serve both properties. It is proposed that the host dwelling would have 1 parking space to the front. The floor area of the proposal would be 117 sq m.

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
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

Bins to be moved to front of the property on days of collection. Building Regulation application will be required for this works

Community Infrastructure

No comment

Crime Prevention

No comment

Highways Engineer

I have no adverse comment with regard to the principle of this development but I have recently been informed that 10m is the usual maximum width for a dropped crossing acceptable under a s171/s184 agreement. The proposed access to the parking for the existing and proposed building exceeds this.

Natural England Government Team - 1st Comment

No objection, subject to condition

Chichester and Langstone Harbours SPA

This application is within 5.6km of the Chichester and Langstone Harbours Special Protection Area and will lead to a net increase in residential accommodation. As a result, impacts to the coastal Special Protection Area and Ramsar Site may result from increased recreational disturbance. 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).

Appropriate Assessment

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your

authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

Species and 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.

<https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>

Natural England - 2nd Comments - No Objection Habitats Regulations Assessment Consultation

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).

Your 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.

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.

Public Spaces

No comment

Waste Services Manager

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: 6

Number of site notices: 1

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 upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking
- (v) Developer Contributions & 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.

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

The proposal is a two storey 3 bed dwelling, with a single storey element to the rear, which would replace a single storey double garage to the north of the host dwelling.

The floor area is approximately 117 sq m. The proposed materials, which are not given in any detail, would be facing brick/render, with concrete tiles and UPVC windows and doors, which in general terms would reflect the materials on the host dwelling. The proposal would be set back from the host dwelling by 1.4m, with the roof hipped to the front and rear, reducing its impact on the street scene.

Discussions have taken place with the agent with a view to handing the development, so that it would be located closer to the northern boundary, securing a wider separation between the proposal and the host dwelling to be more reflective of development to the south, which are semi-detached properties, with garages to the side. The agent's response was that this would reduce the side footpath to 700mm, which would not be sufficiently wide enough for everyday use. As to a reduction in the width of the proposal by 300mm, the agent was concerned this would reduce the room sizes, so that they would become too small, particularly the bedrooms. The proposal has therefore been considered as submitted and on its individual merits.

The traditional design of the proposal would be in keeping with existing residential development to the south, which are two storey, with hipped roofs, albeit in the main they are semi-detached properties, with linked garages to the side. The lack of space around the proposal to the south would not reflect development in this part of the road. However, the land to the north is a car park for the Telephone Exchange which is open in nature, which would provide space around the development when viewed in the street scene.

There is a 1.8 m fence along the boundaries to the rear. The western and rear boundaries also benefit from some planting. The site narrows to the road, with an average width of 8 m. The path width between the host dwelling and the proposal is 1 m with the development located along the south boundary. The space between the proposal and the boundary to the north, which abuts the car park, is between 1m to 1.6m. The relationship with the host dwelling, on balance, is considered acceptable, as would the impact of the development on the street scene.

The length of the rear garden would be approximately 20m, with a side access to the north. The length of the host dwelling's garden would be approximately 24 m. The size of the gardens are acceptable and exceed the requirement set out in Havant's Design Guide SPD.

The proposal would be a modest addition to Havant's housing stock.

Having regard to the location of the proposal and the varied designs of house types with the road, it would not be out of keeping with the character and appearance of the locality, meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Impact upon residential amenity

The only residential neighbour that has the potential to be affected by the proposal is the host dwelling to the south. There are no windows or doors on the flank elevation of the host dwelling. The Telephone Exchange to the west would not be affected.

As to the single storey element this would extend beyond the host dwelling's conservatory to the rear by approximately 4m, with a 1.8 m boundary fence between the 2 sites. Due to its size, an existing fence and the orientation of the single storey element it would not dominate or materially over shadow the host dwelling. As to the 45 degree test to the rear of the proposal and the host dwelling, this is satisfied at both

ground and first floor.

Windows in the first floor to the rear would have oblique views of the gardens of neighbouring properties to the west, which in a residential area would not be unusual and would reflect other development to the south, which would cause no significant harm to residential amenity. A window is proposed in the north elevation to service a bathroom, with the outlook over a car park. This window would be obscurely glazed. The separation between the proposal and the immediate dwelling on the other side of the road is approximately 21 m which is acceptable, reflecting similar separations within the road.

In order to ensure that extensions are not constructed on the property in the future without planning permission, a condition removing permitted development rights is recommended. This would ensure that the LPA retain control over development on this site.

Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Parking

The Highway Authority has no adverse comment to make about the proposal, but has raised a point about the size of the extended dropped kerb. In response to this comment, an amended plan has been submitted reducing the width of the access to 10m.

The development shows 2 car parking spaces to the front of the proposal and a store for 2 cycles within the rear garden. For the original dwelling, 1 car parking space is shown to the front of the property, where previously it benefited from 2. A reduction in car parking provision is sought for this dwelling on the ground that the site is within 800 metres of Havant Town Centre (when measured on the ground when walking), which is the case. Therefore a reduction in car parking provision for this dwelling, in this location, is considered to be acceptable, and would accord with Havant's Parking Supplementary Planning Document.

(v) Developer Contributions & 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 Examiner's 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 117 sqm which would normally generate a total CIL liability of £13,078.93.

The Council has conducted a Habitats Regulations Assessment (HRA), including an 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. 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 enter into a legal agreement and condition to secure the mitigation packages.

As to the mitigation fee for the Solent Recreation Mitigation Strategy this is £705.65, which has been paid and the Unilateral Undertaking signed and returned.

8 Conclusion

The proposal, on balance, would not have a significant impact on the street scene, nor would it adversely affect the residential amenity of neighbours. The parking provision would be appropriate to the location and the mitigation measures for the Solent Recreational Mitigation Strategy and nutrient neutrality have been addressed. It is therefore recommended that conditional planning permission be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00257 subject to the following conditions:-

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Plan: Drawing No 200C
Design and Access Statement: Job No 18016 Received 01.03.2019
Biodiversity Checklist: Received 01.03.2019
Location Plan: Drawing No 201
Proposed Streetscene Plan: Drawing No 204
Proposed Ground Floor, First Floor and Roof Plan: Drawing No 205
Proposed Elevations Plan: Drawing No 206
Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure or windows (including within the roof) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The car parking and vehicular access arrangements shown on the approved plan Number 200B to serve the existing dwelling and the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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.
- 6 The foul and surface drainage shall be undertaken in accordance with approved drawing number 200C. 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 all the drainage provision in full accordance with approved drawing number 200C.

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.
- 7 No above ground construction works shall take place 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, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 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.