

Site Address: 39 Vian Road, Waterlooville, PO7 5TW  
 Proposal: Demolition of existing extension at No.39 and construction of 1No. 2 bed dwelling with parking and 1.8m boundary fence.  
 Application No: APP/19/00619 Expiry Date: 16/08/2019  
 Applicant: Mr Swains  
 Agent: PDP Architecture llp Case Officer: Lesley Wells  
 Ward: Stakes

## 1 Site Description

## 2 Planning History

### 3 Proposal

## 4 Policy Considerations

Havant Borough Local Plan (Core Strategy) March 2011

## Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| 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**

The proposed building will be within 3m of a foul water public sewer. A consultation should be carried out with Southern Water.

**Officer comment:** *See Southern water's consultation response below.*

### **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>

### **Crime Prevention -Minor Apps**

No comment.

### **Hampshire Highways**

On site parking is a matter for the Borough Council. I note a new vehicular access is proposed for the parking of one vehicle and a survey has been provided suggesting a second space could also be accommodated on street. The existing dwelling does not appear to have any on site parking and therefore wholly relies on street for its parking.

A number of the spaces indicated by red on the survey plan should not be counted as they would either block the road because they are opposite others or within 10m. of a junction. That said, the result would be an increase in the parking stress levels, but still adequate room for the single space needed to be added.

No objection subject to the following :-

Condition

Prior to development being occupied the area shown on the approved plan for the parking of a vehicle shall be provided, surfaced in a non-migratory material and retained for that purpose at all times.

### **Public Spaces**

No comment.

### **Waste Services Manager**

No comment

## **Natural England**

### **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.

### **Ecology - No objection**

The proposal will entail the demolition of an existing single-storey, flat-roofed modern extension. I would not expect this section of the dwelling to offer potential for supporting legally-protected species and therefore no additional ecological information is required

### **Southern Water - 1st Comment**

Attached is a plan of the sewer records showing the approximate position of a public critical foul sewer within the site. The exact position of the public foul sewer must be determined on site by the applicant before the layout of the proposed development is

finalised.

No construction will be permitted within 3.5 meters on each side of the external edge of the public critical 450mm sewer. Southern Water requests that this application is not determined until such time as the applicant produces a suitable layout maintaining required standoff distance for public sewer.

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.

#### **Southern Water - 2nd Comment - No objection**

The proposed development layout in relation to the public critical foul sewer is acceptable to Southern Water. No further encroachment to the public sewer than what is shown on drawing Drainage Plan 18027-SK106 will be permitted.

The submitted above drawing indicates proposal for diversion of the sewer crossing the site and seemed to be public. Any public sewer diversion proposals shall be agreed and approved by Southern Water under Section 185 of the Water Industry Act before proceeding on site.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

## **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: 20

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 2

| <b>Comment</b>                                                                                                                                                                                   | <b>Officer Comment</b>                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Devalue property, as would go from a semi to a terrace.                                                                                                                                          | Not a material planning consideration. |
| Contrary to Havant's Design Guide - does not follow the common building line' - would extend beyond the principal elevations of properties in Kelly Road<br>The donor dwelling is on a sensitive | See Section 7 below                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| corner plot where development should be sympathetic to both streetscenes.<br>- overbearing upon the corner plot setting and would appear incongruous to the surrounding area.                                                                                                                                                                                                                                            |                     |
| Contrary to Havant's Parking standards<br>- two bed dwellings should have two parking spaces.<br>Parking survey has been undertaken - not a true reflection - vehicles are regularly having to park on grass verges and on the junction due to the lack of space on the highway - parking so bad a few weeks ago that vehicles had double parked which completely restricted access along Vian Road - should be refused. | See Section 7 below |
| Serious concerns as already a busy corner.                                                                                                                                                                                                                                                                                                                                                                               | See Section 7 below |

## 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 on neighbouring residents and amenities of future occupants
- (iv) Parking
- (v) Drainage
- (vi) Ecology
- (vii) 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. The principle of providing an additional dwelling in this location is therefore supported, and would make a modest contribution to the Council's overall housing requirements.

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

The proposal would provide a two storey additional dwelling to an existing pair of semis, on a corner plot, extending this group of housing to the south-eastern boundary. Following the receipt of amended plans that reduced the width of the dwelling by approximately 0.5m (from 5.5m to 5m), the corner wall of the proposal would be set back at its closest point to the highway by only approximately 0.7m at the junction of Vian Road and Kelly Road. This close proximity will result in a tighter visual relationship between the dwelling and its boundary than is exhibited by any other properties in the vicinity, however the tapered nature of the boundary at this point means that the space about the building will increase significantly further to the side

and front of the dwelling.

In more detail, the proposed dwelling would be set back from the south-eastern boundary, at its widest point, by approximately 3.5m, providing a satisfactory element of space around the building and within the Kelly Road street scene. To the north west, the proposal would be in line with the adjacent semi to the north-west, the host dwelling in Vian Road. As to the building line along Kelly Road to the north-east, the proposal would be approximately 3.2 m forward of 16/14 Kelly Road, but only approximately 1.1 metre forward of 6 - 12 Kelly Road, due to the staggered nature of development along this road. The size of the proposal would be approximately 78 sq m, with a pitched gable end roof, hipped to the rear to reduce its visual dominance in the street scene. The design of the dwelling reflects that of the adjoining semis, albeit shorter in width, but longer in depth by approximately 1.5m. Whilst the unit size will not reflect the width of the host dwelling and its attached semi, the extent of the variation is not considered to be so significant, nor the character of the street scene so uniform, that such a variation would harm the visual amenities of the locality to an extent that would warrant the refusal of the application.

The materials would be red facing bricks at ground floor, red clay hanging tiles at first floor, and brown concrete interlocking tiles for the main roof and the porch roof. This would reflect the materials on the adjoining semis and host dwelling.

In terms of amenity space, the garden area to the rear would be approximately 7.5 m in depth at its maximum extent, which would not be in accordance with the advice in the Borough Design Guide SPD which seeks a minimum garden depth of 10m. However, the proposal would benefit from a reasonably sized garden to the side of the proposal (approximately 3.5m), and the overall width of the rear garden would be approximately 9m, which would compensate for the limited garden depth to the rear. As to the existing property, the length of the garden would be 9m by 6.5m wide. This size of garden would be appropriate for this existing property.

The fencing would replace an existing fence along the boundary with Kelly Road and would surround the proposed car parking space to the rear. The fence, which would be similar in design and height to that which it would replace, would not be materially harmful to the street scene.

On balance, due to the diverse range of designs and styles of residential properties within the locality, and the space available about the proposed dwelling, it is considered that the proposal would not be out of keeping with the character of the area and would be a modest increase, if permitted, to Havant's housing stock. The design is therefore considered to be appropriate and in keeping with the locality, notwithstanding the limited space available to the dwelling at its very south-eastern corner. On balance, the impact of the proposal on the street scene would be acceptable and accord with policy CS16 of the Core Strategy.

### (iii) Impact upon residential amenity

The proposal would extend approximately 1.5m to the rear of the host dwelling (39 Vian Road). From the details provided the 45 degree test is satisfied in respect of a glassed door to the rear of 39 Vian Road, as required by the Borough Design Guide SPD. Also due to the orientation of the host dwelling and its attached neighbour, from early afternoon onwards part of the rear gardens of these properties would be in shade. The proposal would not materially change this.

The outlook from the proposal to the rear would be the flank wall of No.16 Kelly Road which would be approximately 10 m to the north-east. The windows at first floor in the proposed dwelling would serve a bedroom and ensuite bathroom, from which there would be oblique views over the gardens of the adjoining properties. However in a residential area of this density this is to be expected. Overall it is considered that the proposal would not lead to significant over-looking to the dwellings to the north- east or the adjoining semis.

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.

(iv) Parking

The existing dwelling does not benefit from on-site parking. Therefore, parking is only shown for the proposal.

The proposal is for a 2 bed dwelling, which would normally require the provision of 2 car parking spaces in order to comply with the Borough's Car Parking SPD. The development, however, provides only 1 car parking space to the rear. In order to address this shortfall, and in accordance with the advice set out in the Parking SPD, a car parking survey has been provided indicating that there is sufficient capacity for one additional vehicle to be parked on the roads within close proximity to the site. The survey was undertaken over a period of 15 days, both am and pm.

The Highway Authority (HA) has not raised an objection to the application, subject to a condition relating the use of non-migratory surface materials and that the on-site parking space is retained for that purpose. However, the HA challenges the use of some of the spaces indicated by red on the parking survey plan and that they "... should not be counted as they would either block the road because they are opposite others or within 10m of a junction."

In response to the HA's comments, the applicant's agent has removed a suggested on street parking space and added a map to the parking survey showing which spaces were taken and which remained free without obstructing the traffic. Within their conclusion, they found that out of all 17 parking spaces near the site, only a maximum of 11 would be in use at any given time, leaving 6 available for road parking. Therefore, on balance, and from the details provided in the survey, there is considered to be sufficient on road parking for one additional vehicle arising from the development, and the HA has not objected to the application.

Cycle storage would be within a building in the rear garden, providing 2 spaces.

(v) Drainage

A public foul sewer lies adjacent to the south eastern boundary of the site, with further private sewers crossing the application site. Following the receipt of additional information regarding the proximity of the development to the public sewer, and details of a proposed diversion of the private sewers, no objection has been raised by Southern Water to the proposal and a pre-commencement drainage condition is recommended for foul and surface water, which has been agreed with the agent.

(vi) Ecology

The Ecologist has raised no objection to the proposal and he sought no additional information, on the grounds that he would not expect the demolition of the outbuilding "... to offer the potential for supporting legally-protected species."

(vii) 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 78 sqm which would normally generates a total CIL liability of £7,998.27. The applicant is claiming a 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 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 and planning condition respectively 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 Unilateral Undertaking for the Solent Recreation Mitigation Strategy has been signed and payment of £545 has been received; a condition is proposed to secure the mitigation package required in respect of water quality issues.

## **8 Conclusion**

The proposal, on balance, would not have a significant impact on the street scene, or the residential amenity of neighbours. The parking provision would be appropriate 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/19/00619 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:

Existing site - drawing no. 18027-SK099  
Site Survey - drawing no. 18027-SK098  
Existing site elevation - drawing no. 18027-sk101A  
Site layout - drawing no. 18027-SK104C  
Proposed elevations - drawing no. 18027-SK102C  
Existing Site Elevation - drawing no. 18027-SK101C  
Proposed floor plans & Section - drawing no. 18-27-SK103B  
Drainage Plan no. 18027-SK106  
PDP Parking Survey

**Reason:** - To ensure provision of a satisfactory development.

- 3 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;
  - 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.

- 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 plans Drawing No 18027-SK104C to serve the development hereby permitted shall be constructed and surfaced in a non-migratory material, and made fully available for use prior to the development being first brought into use and shall be retained thereafter in that condition and 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 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

**Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and/or a further specification of the materials to be used externally on the building(s) 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.

- 8 No above ground development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

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