

Recommendation: **GRANT PERMISSION**

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)

DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Building Regulation application required for this work

Consideration of Approved Document B (Fire) to undertaken regarding open plan arrangement

Community Infrastructure

CIL Liable

The CIL 'Additional Information Form is incomplete and section 7 page 4 should be addressed and the form resubmitted. Please note that for the existing floorspace to be taken into consideration it must have been in continuous use for 6 months of the three years preceding the decision date, otherwise we can allow no discount for the existing floorspace.

Additionally, instructions should be passed by the Case Officer to the CIL Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms.

In this case the calculation will be based on 1No. 1 bed maisonette.

Officer Note

Revised CIL forms submitted and SRMS completed - see section 7 below

Crime Prevention

None received

Hampshire Highways

This property appears not to have a vehicular access and therefore any off street parking facilities. North Street has a No Waiting at Any Time Parking Restriction and therefore this development is unlikely to result in parking on North Street. On site parking is a matter for your Authority. The site is on a bus route with a stop very close and is also close to Emsworth Rail Station.

I confirm the Highway Authority have no objection to this proposal.

Natural England Government Team

No Objection subject to mitigation

Solent Recreation Mitigation Strategy - no objection subject to condition

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

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

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

Deterioration of the water environment - no objection

The application site is within 1 km of the Solent Maritime Special Area of Conservation (SAC) and Chichester and Langstone Harbours Special Protection Area (SPA). With regard to the integrity of the designated sites, we advise that there is currently uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the international sites.

The Appropriate Assessment has taken this into consideration against the Pre-submission Havant Borough Local Plan 2036 Policy E9 regarding occupancy, therefore Natural England are satisfied that the proposal will not have potential adverse effects on the integrity of the European site, and has no objection to this aspect of the application.

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.

Traffic Management

The Traffic Team would like to raise the point that this development should have a minimum of two parking spaces, as per HBC parking supplementary planning document July 2016.

Waste Services Manager

None received

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: 12

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
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Objection letter: Concern at impact of dormer. No 90 is staggered back by approx 1.5m and proposed dormer close to edge of roof and nearly full height. Side structure of dormer will impact light to adjacent existing dormer; wider rear view from existing dormer will be impacted should be reduced to be in line with existing dormer	Noted - agent applied 45 degree code to drawings - see section 7
Support letter: glad slate to match on roof of proposed porch; house needs a porch; was previously a porch of conservatory style filled with flowers; feel sorry for occupiers of downstairs flat with noise from 2 kitchens above; hope soundproofing is good	Noted Internal noise insulation would be a Building Regulations matter

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 and refuse
- (v) CIL
- (vi) Compliance with Habitats Regulations

(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 further subdivision of this larger first floor would be in compliance with policy CS9.

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

The immediate area is characterised by both flats and dwelling houses. The adjacent properties are both converted to flats. The further subdivision of this larger first floor flat by utilising the roofspace, to create two smaller flats is considered compatible with adjacent uses and the character of the area.

The proposed front porch would link the two bay windows with a central gable feature and it is proposed to use matching materials. This is considered visually appropriate to the host dwelling and street scene. It is also proposed to add 4 rooflights to the front roof slope, which would be inconspicuous and considered acceptable. To the rear the proposed dormer has been broken up with a small central recess, which effectively breaks up the visual bulk of the dormer. Rear dormers exist in adjacent roof slopes, albeit smaller, and consequently the proposed dormer is considered appropriate in

design terms, compliant with Policy CS16.

(iii) Impact upon residential amenity

The third party objection relates to effect on light and outlook from the neighbouring dormer due to the staggered siting of the relative roof slopes. The agent has marked the approximate positions of the adjacent dormers and provided a 45 degree line which demonstrates that the proposed dormer would not breach this overshadowing zone. Accordingly, the proposed dormers are considered to comply with the Design Guide SPD and would not result in any significant loss of light or outlook.

For future occupiers one of the flats would have the benefit of the large garden for amenity; although the other flat would not have any amenity space or access to the garden. In this urban area and as the proposal only relates to a one bedroom flat, this lack of amenity space is not considered refusable.

(iv) Parking and refuse

The existing 2 bed flat does not have any parking, which, under the Parking SPD, represents a deficit of 2 spaces. There is also no vehicle parking provided for the proposed development of two one bed flats which would also technically require 2 spaces to meet the Parking SPD. Therefore there would be no change in the deficit. Additionally regard must be had to the proximity of the site to Emsworth station, its location on a bus route and also within walking distance to Emsworth town centre. ie it is considered an accessible location. Furthermore a recent appeal decision at 95 North Street noted the accessible location and the Inspector did not object to a reduction in parking standards.

The proposed plans do provide for 4 cycle hoops affixed to the front boundary wall. This would provide appropriate alternative cycle parking provision. Overall there is no objection to the lack of parking in this instance.

Refuse bins would also be provided within the fore court of the site, as existing.

(v) CIL

The subdivision of a dwelling into two dwellings is not CIL liable and there would only be a CIL charge if new floorspace over 100 sqm was proposed. In this instance the loft conversion amounts to 44 sqm, hence there is no CIL liability associated with this application.

(vi) Compliance with Habitats Regulations

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area from both recreational pressure and water quality issues as a result of the development.

This site falls within the 5.6km zone of Chichester and Langstone Harbours SPA which are large estuarine basins that contain extensive inter tidal mud flats and sand flats that support internationally and nationally important numbers of over wintering and breeding bird species. Natural England's advice in regard to all new housing development within this zone is that it is likely to have a significant effect on the SPA from increased recreational pressure. Policy DM24 of the Allocations Plan, covers this issue and allows for a financial contribution to be

made towards mitigation measures with the Solent Recreation Mitigation Partnership Definitive Strategy being effective from 1st April 2018. The application results in the creation of a new household and as such the appropriate mitigation relates to this additional one bed flat and the Strategy seeks a sum of £383.30 as mitigation. Both the monies and the Deed have been received satisfying this policy.

With respect to potential deterioration of the water environment regard is had to the fact that there would be no change in population resulting from the development. The Appropriate Assessment concluded that as there would not be an increase in population, there would be no decrease in water quality and the proposal would not have potential adverse effects on the integrity of the European site. 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 and raise no objection.

Natural England do however note the responsibility to enhance the natural environment and recommend the addition of bat and/or bird boxes. The application sites garden would provide opportunity to provide bird boxes and hence this can be conditioned.

8 Conclusion

It is considered that the proposed further subdivision of this flat to form 2No 1 bed maisonettes is acceptable in principle and would have limited and acceptable impact on neighbouring amenity and is compliant with policy. The proposal is therefore recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00332

(A) 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:

1:1250 Location Plan; 1:500 Site plan Drawing Number 1901 - 02.5 dated 24/06/2019
Proposed second floor Plan Drawing Number 1901 - 02.3 dated 24/06/2019
Proposed Roof Plan Drawing Number 1901 - 02.4 dated 24/06/2019
Proposed Elevations Drawing Number 1901 - 03.1 dated 24/06/2019
Proposed Ground Floor Plans Drawing Number 1901 - 02.1 dated 08/05/2019
Proposed First Floor Plan Drawing Number 1901 - 02.2 dated 12/03/2019

Reason: - To ensure provision of a satisfactory development.

- 3 The works hereby permitted shall not be occupied unless or until the development has erected a minimum of two bird nesting units within the site in regards to securing ecological mitigation and enhancement measures in accordance with Conservation Regulations. The nesting boxes shall be retained as such thereafter.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) March 2011 and National Planning Policy Framework.

- 4 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The cycle parking frames shown on hereby approved Drawing Number 1901 - 02.1 dated 08/052019 to serve the development, shall be provided and installed and 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.