

Recommendation: **GRANT PERMISSION**

- 3.1 Erection of 1No.1bed detached bungalow with associated parking and access. New parking layout for 35 Blackthorn Drive. (Renewal of planning permission APP/15/01365).
- 3.2 The application seeks the renewal of planning permission APP/15/01365 for the erection of a new dwelling in the rear garden of No.35 Blackthorn Drive. The dwelling would be single storey in height and would be orientated such that the front elevation would face east out onto Blackthorn Drive. The proposed plans for the dwelling are identical to those approved under APP/15/01365 and the dwelling would comprise of a lounge/diner, a bedroom, kitchen/study area and bathroom. It would be 9.2m in

width, 8.5m in depth and 4.4m in height with a pitched roof. It would be constructed in facing brick work with a tiled roof. The front elevation facing onto Blackthorn Drive would comprise of a front door and two ground floor windows serving the bedroom and the lounge. The side elevation facing onto the existing dwelling No.35 would comprise two small windows serving a bathroom and study. The rear elevation comprises patio doors and a window serving the lounge/dining area and a window serving the kitchen face south over the garden area. The previously proposed garage has been omitted and parking would be provided by a single space at the northern end of the site. The proposed single storey dwelling would be 11m from the rear of the existing two storey dwelling house.

- 3.3 Space for three cars to be parked for the existing dwelling is shown to the front of the site and one space is shown for the new dwelling adjacent to the rear boundary of the plot. Provision for refuse and cycle store is located to the rear of the parking space.

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

CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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

Building Regulation application required

Community Infrastructure, Planning Policy & Urban Design

CIL Liable, but self build exemption form submitted.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, now based on the number of dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>.

The customer has already partially paid for this item under APP/15/01365 and the sum of £182.70 can be taken into consideration as having already been paid.

The Unilateral Undertaking and cheque for £191.15 (the balance due) has now been received.

Crime Prevention -Minor Apps

No comments received.

Development Engineer - Highways

The Highway comments have no adverse comment to this application providing the dropped kerb access is provided. An informative should be added to any approval stating that the details of the vehicular access will need to be agreed with the Highway Authority.

Public Spaces

No comments received.

Waste Services Manager

No concerns raised.

Natural England

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.

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: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment

Summary:

Comment:

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) Appropriateness of design and effect on the streetscene;
- (iii) Effect on neighbouring properties and amenities of future occupants
- (iv) Highway Implications
- (v) Impact on trees
- (vi) CIL and SRMP considerations
- (vii) Appropriate Assessment

- (i) Principle of development

7.2 The site is within an urban area as identified by the Havant Borough District Wide Local Plan 1996-2011, therefore the proposal is acceptable in principle provided it is of a high quality design, the relevant contributions are provided and the proposal does not have a significant adverse effect on the neighbouring properties or the character of the area.

- (ii) Appropriateness of design and effect on streetscene

7.3 The proposed dwelling is single storey in height and is orientated such that the front entrance door faces out onto Blackthorn Drive. To this regard the design of the dwelling accords with the height and simple style of the terrace of small post war bungalows located opposite the site in the eastern most section of the Blackthorn Drive cul-de-sac.

7.4 It is considered that this revised layout with orientation of primary rooms south and east, with regard to the relationship between the existing and proposed dwelling accords with the character of the area. As such it is considered that the development would not be detrimental to the amenities of the area nor contrary to the Borough Design Guide and Policy CS16 of the Havant Borough Core Strategy.

- (iii) Effect on neighbouring properties and the amenities of future occupants

7.5 The proposal would leave No.35 with a rear garden of 10m which accords with the minimum garden depth required by the Borough Design Guide. The rear garden available to the proposed property is 8m, however as it has an orientation to the south of the bungalow, away from the existing dwelling thus creating a private amenity space with the lounge facing out over this private space this is considered acceptable.

7.6 To the south of the site is No.19 Kingfisher Close which is a detached single storey dwelling. The rear elevation of the proposed new dwelling will be 20m approx from the rear elevation of No.19 and this is considered to be acceptable. It should be conditioned that the boundary hedge is retained in order to protect the amenities of both properties.

7.7 The adjoining neighbouring dwelling to No.35 is set sufficient distance away from the proposal and in the case of No. 34 the existing road provides separation, such that the impact is considered acceptable. Furthermore, this form of corner development is usual in sites where sufficient amenity space is available. In respect to No.35. and No. 36 back to back separation is in the order of 12m which is acceptable given the single storey nature of the proposal, however, the introduction of first floor accommodation and alterations to the roof could result in loss of amenity and whilst this was not imposed on the previous permission a condition withdrawing permitted development rights for this and also for extensions and buildings under class E is recommended.

(iv) Highway Implications

- 7.8 The Council's Development Engineer has raised no objection to the proposal on the grounds of the information provided that parking is conditioned and the provision dropped kerbs covered by an informative.

(v) Impact on trees

- 7.9 The previously refused schemes proposed a new driveway to the new bungalow that would impact the retention of a highway tree. The 2015 approval overcame this reason for refusal by retaining the existing parking area to the rear of the site, and this is carried through to the current application.

(vi) CIL and SRMP considerations

- 7.10 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 20th 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 £100 per square metre on new floorspace (measured as gross internal area) plus indexing. It is considered that there is a CIL liability of £8,383.93 for this site. However, a self build certificate has been completed.

- 7.11 This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June this year requires a payment of £373.85 for a one bed dwelling to the Solent Disturbance Mitigation Project. The has already partially under APP/15/01365 the sum of £182.70 and a new Unilateral Undertaking and cheque for £191.15 (the balance due) has now been received.

(vii) Appropriate Assessment

- 7.12 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. This is included in the case file. 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 due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. 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 subsequently entered into a legal agreement to secure the mitigation package.

8 **Conclusion**

- 8.1 It is considered that this revised application accords with the relevant Local Plan and Allocation policies and the guidance set out in the Borough Design Guide SPD and the NPPF. The application is therefore recommended for permission.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01276 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 Location and Block Plan drwg.no 234/10/01 received 12 December 2018
Proposed Ground Floor drwg.no 234/10/02 received 12 December 2018
Proposed Roof Plan drwg.no 234/10/03 received 12 December 2018
Proposed Elevations drwg.no 234/10/04 received 12 December 2018
Proposed Site Layout Plan drwg.no 234/10/05 received 12 December 2018
Proposed Cycle and Refuse Plans drwg.no 234/10/06 received 12 December 2018
Reason: - To ensure provision of a satisfactory development.
- 3 The finished ground floor level shall not exceed 150mm above existing ground level of the site.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve 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.
- 5 The premises shall not be occupied before the proposed access and the crossing of the highway verge and/or footway is constructed and laid out in accordance with the approved details.
Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The hawthorn hedge to the southern boundary of the site shall be retained. Measures shall be undertaken to prevent damage to existing hawthorn hedge throughout implementation of the development hereby approved. Any such tree which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position.
Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March .
- 7 No above ground construction shall commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 The development shall be constructed in accordance with the hard and soft landscaping specifications as detailed within the submitted plans. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing and soft landscaping has been completed in full accordance with that specification.
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 2012.
- 9 The development hereby permitted shall not be brought into use until the means of enclosure of the site has been installed and completed in full accordance with the specifications as detailed within the submitted plans.
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.
- 10 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building, structure or roof alteration permitted by Part 1, Classes A, B, C or E of the 2015 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To avoid an overdevelopment of the site in the interests of the character of the area and amenities of the occupiers of nearby properties and having due regard to policy CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.