

Recommendation: **GRANT PERMISSION**

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)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
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, Havant Borough Council

Updated Comments:

Issues regarding solid waste collection and unprotected area AD H and B have been resolved. The issues of Fire Authority Access B5 is still unresolved and may end up with a sprinkler system being installed. This will be controlled under Approved Document B

Previous comments:

Compliance with Approved Document B Section 5 Fire Authority access to be shown
Compliance with Approved Document H Section 6 Waste collection to be shown
(Household to carry waste no more than 30m)

Distance to side boundary to be confirmed with regards to window openings onto boundary and unprotected area under Approved Document B requirements

Building Regulation application will be required for this work

County Minerals

No comment

Crime Prevention -Minor Apps

No comment

Environmental Health

I have no objection to this application in principle.

I am aware that the dominant noise source at the proposed site will be from traffic noise from the Havant Road and the A27. With the correct acoustic mitigation measures in place, it is likely that the standards as recommended under BS8233:2014 can be met. I would also advise that consideration be given to the resonance issue caused by a predominant frequency from tyres on a wet road which matches a transmission performance dip in 4mm glass.

I would however ask that the following Conditions and informatives are added to any potential approval of this application:

Condition 1: No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby residential properties from light disturbance & pollution.

Condition 2:

The applicant to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will meet BS8233:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms. Le during the day (07:00 to 23:00) 35 dB L Aeq, 16 hour and at night (23:00 to 07:00) 30 dB L Aeq, 8 hour for bedrooms, and to also ensure that external amenity areas meet the guidance parameters

Reason: To ensure the residential amenity of the property is not impacted upon by any internal or external noise levels.

INFORMATIVES:

Informative regarding Hours of Work:

You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank or Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 - 18.00 and Saturday: 8.00 - 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Informative regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.

This is in order to protect the occupants of nearby residential properties from dust pollution.

Informative regarding bonfires

No bonfires to take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of nearby residential properties from smoke pollution.

Officer Comment: These shall be included with the decision.

Highways Engineer, Development Engineer

Updated Comments:

The highway authority has no adverse comment to the amended site plan that shows turning on site for the new and existing buildings. I would suggest that the parking and turning shown on the submitted plan is conditioned.

Previous Comments

I am concerned that the existing property will lose the existing turning area that allows vehicles to turn on site.

Natural England Government Team

Thank you for consulting Natural England on the aforementioned application.

No objection

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.

Natural England has not assessed this application for impacts on protected species.

Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. For proposals near to or within Chichester Harbour Area of Outstanding Natural Beauty (AONB) we suggest you seek the advice of Chichester Harbour AONB.

Public Spaces

No comment

Southern Gas Networks - stage 2 consultation

Waiting. In principle objection

Traffic Management, East Hampshire District Council

The Traffic team has no adverse comment to make on this application

Waste Services Manager

I have no concerns over waste collection regarding this planning application, thank you

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: 3

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
I wish to object to this planning application on the grounds of highway safety and traffic. This is on a main junction to the A259, Selangor Avenue is already busy and dangerous with traffic especially at school start and school finish times. The children walking and cycling to Warblington Secondary School join the main road here and another entrance serving two more properties onto the selangor avenue junction would be extremely dangerous. I am amazed that you are even considering this planning application with the vehicle access in this position. If this application is passed it would be an accident or death wish 'waiting to happen' and HBC planning department would, in my view, be totally responsible.	See section 7
We are in receipt of your letter dated 4 October notifying planned development at no.1 Selangor Avenue which gives rise to concerns and would offer the following comments for consideration. <u>Site access.</u> Proposed access to and from the new dwellings is via a new driveway along the site's south boundary to the widened crossover leading directly into Selangor Avenue. The wall and fence to the front of the existing property and along the boundary with the main road would create obstruction for drivers leaving the site to clearly see east bound vehicles on the A259 Havant Road turning left into Selangor Avenue. The close proximity of the widened	See section 7

crossover to the main A259 junction leaves insufficient stopping space for fast moving cars to avoid possible side-on collision with any emerging vehicle . Personal experience of distraction caused by pedestrians and cyclists (particularly children) on the pavement also requires careful consideration to avoid accident, as cyclists seem to regard the pavement and the crossovers as "Right of Way" for entry to the cycle path as signs and road markings are completely ignored. The problem with speeding along this road is well reported and planned actions to address this issue were communicated to residents by memo from Local Councillors in July 2018.

Flooding.

The "Design and Access Statement" document issued states the proposals will not increase flood risk to the site or surrounding area. This may well be the case in respect of rising sea levels but evidence exists of the ground becoming water logged in times of heavy rainfall in this and neighbouring gardens including adjacent land on the Barratt site to which it was deemed necessary to install a pumping station and with predictions of worsening climate conditions in the future, surely make this a matter for further attention. It should be noted that power cuts have been experienced due to flooding in the substation located beyond the proposed site as has the adjacent main road.

Future developments.

Dwellings along the western side of Selangor Avenue have long back gardens leading to the possibility of further applications for similar developments which might prove difficult to refuse once a precedent has been set. I trust the foregoing concerns will receive consideration by the planning committee.

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) Residential amenities of the proposed dwelling
- (v) Highways
- (vi) Habitats Regulations Assessment (HRA)/Developer Contributions/CIL
- (vii) Flooding

(i) Principle of development

- 7.2 The application site is situated within an urban area as defined by policy CS17 where further development is considered acceptable subject to the usual development control criteria. Policy CS9 supports new dwellings which help the Borough achieve its allocated housing requirement and therefore the principle for the additional dwelling is acceptable.

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

- 7.3 The proposed dwellings are considered to be modest in size as proposed bungalows and shall suit the locality of other dwellings within Selangor Avenue which consist of semi-detached and detached bungalows. No 1 Selagor Avenue is positioned on a corner plot and is therefore viewable from Havant Road to the south and Selagor Avenue to the east. Due to the position of the dwelling behind number 1 and being within the backland development the majority of the works shall be screened from the east by the existing dwellinghouse and shall be mostly hidden from Selangor Avenue. Although the dwellings shall be viewable from Havant Road it is noted that the works shall be set off the boundary by approx 7.35m and hipped in form in order to reduce the visual dominance of the development. Sufficient screening in the form of 1.8m timber fencing features along the southern boundary and as a large outhouse is present as existing the visual appearance of the proposed new dwellings is considered, on balance, to not look significantly out of place nor dominant from either streetscene.
- 7.4 The proposal is considered to be of a sound design with the works being set off the shared neighbouring boundaries by a minimum of 1m which complies with the Boroughs Design Guide. The separation distance from the new dwelling and No 1 is approx 20m and both the new dwellings and No 1 shall retain an amenity space greater in width then depth but large enough to be considered acceptable and compliant with policy. These separations would retain a spacious setting to the site and the proposal would not appear overly intrusive or dominant in the space. The proposal is therefore considered to accord with policy CS16.
- 7.5 Concern has been raised regarding the site not being large enough to accommodate the proposed dwellings. No 1 benefits from a larger then normal garden width when compared to the houses to the north along Selangor Avenue. It is particularly wide at approx 21.45m when taken from a central point which is considered large enough to accommodate the two units to the size and position proposed. The scale of the development has been reduced following the original submission of the proposal in order to achieve recommended distances between neighbours and this has improved and reduced the scale of the development further which is considered a positive improvement creating an acceptable development. Therefore the visual impact caused as a result is considered to be acceptable.

- 7.6 The new dwellings are proposed to be built with a mixture of brickwork with a brick plinth and brick soldier course. Following a site visit and assessment it is considered that the proposed materials would not result in a significantly dominant nor obtrusive visual appearance in the streetscene and would suit the palette of the locality ensuring that dwellinghouse would not look out of context. However, to ensure the shade and finish of the brick are appropriate it is considered necessary to request that samples are submitted to the Local Planning Authority for approval. This shall be conditioned as part of the decision.
- 7.7 The dwelling would be set off by 1.1m from the shared boundary to the north and 7.35m to the south. The works include a garage with a parking space to the front per dwelling which shall be between the development and Havant Road. For dwelling 1a the amenity space shall be to the side and front measuring approx 11.1m wide and 9.7m from the shortest point. For dwelling 1b the amenity space shall be to the front and side measuring approx 19.2m wide and 6.2m from the shortest point. On average due to the generous widths of the amenity space the development is considered to comply with the Borough Design Guide and is acceptable. Overall it is considered that the proposed development would integrate well within the character and appearance of the area and would have an acceptable visual impact to the locality.
- 7.8 The rear garden of dwellinghouse 1b would be a minimum of 6.2m deep creating a good and acceptable set off between the dwellinghouse and strategic site. It is noted that the dwellings proposed to the rear of No 1 shall be in line with an area of open land as permitted on the strategic site with housing starting to the north. Therefore the relationship between this development and the proposed dwellings is considered to be acceptable.
- 7.9 The design and appearance of the proposal is deemed appropriate in context to the area and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.10 The proposed works have the potential to impact No 1 selangor avenue and the attached neighbour No 3.
- 7.11 No 1 is the existing dwelling onsite and is the applicant of the current proposal. Therefore the impacts caused to the dwellinghouse are known and expected. The proposed units are set approximately 20m away from one another which creates good spacing between the dwellings to ensure the development does not appear over-bearing or oppressive. As the developments shall be bungalows only and therefore have windows in the ground floor only the impact caused is considered to be limited and acceptable when taking into account the screening that shall be between the dwellings and the distances between them. The works are therefore considered to not cause significant over-looking and are acceptable.
- 7.12 There would be an impact for the proposed access in terms of vehicular movements and disturbance, however, on balance and given the limited use of the proposed access associated with two dwellings to the rear it is not considered that a refusal of planning permission based on this additional impact could be sustained.

- 7.13 No 3 is the dwellinghouse to the north and is attached to No 1. As No 3 is to the east of the application site the dwellinghouse is positioned substantially forward in its plot when compared to the new dwellings. It is considered that due to this distance between the neighbouring dwelling and proposed dwellings that the development would not lead to a significant loss of outlook at No 3. Although the new dwelling has the potential to cause over-looking into private amenity space this impact is reduced due to the new dwelling being a bungalow and only having ground floor use. Combined with the orientation of the dwellings it shall ensure that privacy levels are maintained between the neighbours and that no significant over-looking is caused as a result. In order to ensure that no roof alterations and subsequent windows are installed on the property, a condition removing permitted development rights is included, this would ensure that the LPA retain control over development on this site.
- 7.14 6ft closed timber fencing has been suggested as screening to be used between the new dwelling and Nos 1 and 3 Selangor Avenue. However it is unclear from the information submitted where this shall be placed and therefore details of the screening proposed shall be requested as a condition with the decision to ensure sufficient screening barriers are implemented between the new dwellings and neighbouring properties.

(iv) Residential amenities of the proposed dwelling

- 7.15 The layout shows how the site would be laid out and includes two parking spaces per dwelling. Garden depths of 19.2m wide and 6.2m deep for 1b and 11.1m wide and 9.7m deep for 1a are proposed which are considered, when taken as an average, to provide a suitable provision for both dwellings which complies with the Borough Design Guide and are considered to be an appropriate size. As the first new dwellings to the rear/backland development of Selangor Avenue the dwellinghouse shall not be overlooked however even should further development occur in the future the dwellinghouse is set away from the shared boundary to the north by approximately 1.1m and does not have a first floor level accommodation. Permitted development rights shall be removed as a condition with the decision. Overall, therefore, it is considered that the impact on the development is acceptable in terms of the amenities of future residents.

(v) Highways

- 7.16 The proposal provides 4 parking spaces for the proposed new dwellings via two garages large enough to accommodate a cycling provision and 2 external spaces. As the application site is large enough to accommodate the 4 spaces the parking provision can be met and the works are considered to accord with the Boroughs Parking SPD.
- 7.17 Two parking spaces are retained as part of the proposal to serve No 1 and a turning area has been indicated on the latest plan. This has met with no objection by the highways team and is therefore considered to be acceptable. This shall be conditioned as part of the decision.

- 7.18 Concern has been raised regarding the access proposed from Selangor Avenue and the harm that could be caused to other traffic and pedestrians. The highways and traffic team have been consulted in regards to the application and have not raised any concern in this regard. It is also noted that the total amount of new cars access the highway is modest and unlikely to lead to a severe impact or strain on the highway. The development is therefore considered to be acceptable.

(vi) Habitats Regulations Assessment (HRA)/Developer Contributions/CIL

- 7.19 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.
- 7.20 This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant 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 entered into the legal agreement to secure the mitigation package and paid the relevant contribution comprising a contribution towards the SRMS totalling £688.85. The relevant contribution has been paid and UU signed and submitted as part of the application.
- 7.21 The application is liable to pay the Community Infrastructure Levy a total of £16,043.75 and the relevant forms have been sent including a draft liability notice.

(vii) Flooding

- 7.22 Concern has been raised that the site shall create an adverse impact to flooding. The site itself does not fall into a designated flood zone and therefore the works are considered to not create an adverse impact in this regard. The development is considered to be acceptable.

8 Conclusion

- 8.1 The proposed scheme for two additional dwellings in the rear amenity space of No 1 and with appropriate conditions will not give rise to any undue amenity space issues and is acceptable in highway terms. The proposal is therefore considered to accord with the relevant Local Plan and Allocations Plan policies and the guidance set out in the Borough Design Guide SPD, Parking 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/18/00958 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:

Proposed Site Plan showing Parking Layout: Drawing No 18088-03 Revision B
Proposed Floor, Elevation and Streetscene Plan: Drawing No 18088-04
Revision A
Design and Access Statement: Received 24.09.2018

Reason: - To ensure provision of a satisfactory development.

- 3 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.

- 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 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No development shall take place until finished floor levels for the proposed building(s) relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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.

- 7 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.

- 8 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and 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 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No 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 2012.

- 10 The development hereby permitted shall not be occupied unless and until details to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details.

Reason: To ensure the residential amenity of the property is not unacceptably impacted upon by any internal or external noise levels, including from commercial premises below having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details include Location, Height, Type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties, on and off site, from light disturbance/pollution and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2018.