
Site Address: Land rear of 8 Highfield Parade, Waterloo, PO7 7QH
Proposal: Construction of new dwelling on land to rear of 8 Highfield Parade
fronting Meadway with associated refuse and cycle storage, landscaping and parking
with provision of new refuse store for commercial use. (Resubmission)
Application No: APP/18/00822 Expiry Date: 19/10/2018
Applicant: Mr Ware
Agent: C Flint Case Officer: Tina Pickup
Chris Flint Ass Ltd
Ward: Waterloo

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site relates to part of the grass verge and existing parking and refuse area at the rear of the parade of shops at 8 Highfield Parade, where it fronts Meadway. The Highfield Parade shops comprise 2 No two storey blocks fronting Highfield Avenue and Burnside respectively, with a three storey link corner development. Each block contains four ground floor retail units with residential flats above. The ground floor of the central link building has recently been converted to 2 flats under APP/17/00510. To the rear is a large service and parking yard which is accessed by an informal one-way system with entrance from Burnside and exit in Meadway. This service yard also contains a row of 8 flat roofed garages located against the eastern boundary. It is understood that each garage is owned/used by a retail unit.

The wider area is characterised by residential development, typically two storey semi detached dwellings. Most of these are set back from the highway with relatively open landscaped front gardens, and a strong building line. The presence of the grass verges and mature trees to the west at the Meadway/Princes Drive junction creates an open and spacious character for the immediate area.

The application site measures 17m in length where it fronts Meadway, having a depth of between 6.4m and 9m. Part of the application site forms the adopted highway verge and therefore Notice has been served on HCC. Part of the application site also currently forms the refuse collection area for the existing shops, in the area immediately adjacent the southern garage.

The southern boundary line of the site abuts the tarmaced footpath that runs between adjacent grass verges, which is all part of the adopted highway. Within the application parcel of land, there is currently a boundary wall that runs parallel with Meadway, set back 3.2m by a grass verge which is part of the adopted highway. There are two large shrubs/trees within this verge. The application site also includes a separate parcel of land that measures 4m x 5m at the northern end of the garages.

2 Planning History

91/56150/000 - Internally illuminated projecting box sign., PERM, 13/08/1991
APP/18/00681 - Construction of 1 No. dwelling on land to rear of 8 Highfield Parade fronting Meadway with associated refuse and cycle storage, landscaping and parking with provision of new refuse store for commercial use., WD, 27/07/2018

3 Proposal

Construction of new dwelling on land to rear of 8 Highfield Parade fronting Meadway with associated refuse and cycle storage, landscaping and parking with provision of new refuse store for commercial use. (Resubmission)

It is proposed to construct a detached two storey dwelling having a maximum footprint of 6.8m x 6.7m, with eaves line height of 4.8m and ridge height of 7.4m. It would have 2 bedrooms and be sited towards the western end of the site with a single parking space provided accessed off the rear service yard. A side garden would be provided having maximum dimensions of 5.6m x 9m. Refuse bins and cycle storage for future occupiers would be provided within this side garden.

The proposal also includes the provision of a replacement refuse area for the adjacent shops which would be sited at the northern end of the existing garages.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
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)
DM18	(Protecting New Development from Pollution)
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

No adverse comments

Environment Agency

None received

Hampshire Constabulary, Crime Prevention

The refuse store is adjacent to the garages and the boundary treatment of number 1 Meadway. In this position it facilitates access to the garage roofs and the overcoming of the rear boundary treatment of 1 Meadway, which increases the opportunities for crime. Planning guidance advises, "Planning should promote appropriate security

measures”, it continues, “Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits.” To reduce the opportunities for crime the refuse store should be constructed so as to prevent access to the garage roofs. It should be of a similar height to the garages, any door furniture should not provide handholds or footholds that facilitate access to the roof.

Rear garden access for the proposed dwelling is via the parking area to the rear of Highfield Parade, there is very little natural surveillance of the access gate. This increases the vulnerability of the dwelling to crime, some acquisitive crimes such as burglary and theft are often facilitated by easy access to the rear of the dwelling. Planning guidance advises, “Planning should promote appropriate security measures”, it continues, “Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits.” To reduce the opportunities for crime the rear garden gate should be of robust construction at least six feet high and fitted with a key operated lock that can be operated from both sides of the gate.

The cycle and bin stores for the new dwelling are adjacent to the rear boundary treatment this facilitates access from the garage into the rear garden. To reduce the opportunities for crime I would recommend that these stores are moved away from this boundary treatment

Hampshire Highways

If the application includes highway then the applicant will need to arrange for the highway rights to be extinguished. Since this is would be in conjunction with a planning application I would expect this to be via S247 of the Town and Country Planning Act.

A S247 is made by application to the Secretary of State for Transport.

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

However, if the applicant would prefer to use S 116 of the Highways Act they can do so by application to Hampshire County Council via the web page below.

[https://www.hants.gov.uk/transport/searchesrightscharges/highway rights](https://www.hants.gov.uk/transport/searchesrightscharges/highway%20rights)

Highways Engineer

The Highway Authority has no adverse comment on this application. However the one parking space is shown assessed from the car park. The redline should therefore include access to Meadway which is adopted highway and notice served on owners or others with a legal interest in the car park.

Natural England

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. Provided the applicant is fully compliant with the Solent Recreation Mitigation Partnership

Definitive Strategy and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of recreational disturbance on the integrity of the European site(s).

Waste Strategy Team

No concerns over waste collection

Traffic Management

In line with HBC parking standards we would expect to see 2 parking bays on this development.

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: 25

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 7

Comment	Officer Comment
The 7 letters of objection received raise the following issues:	
<u>Principle</u> I understand the application site is within the settlement policy boundary and therefore is available for potential development. However I have read the local plan and the NPPF many times and I'm unable to find a single policy this project is in line with	Agreed Noted
<u>Rear Access/Service yard</u> Access to the rear of my shop by large commercial vehicles is required at all times. Essential that the full width of the access to Meadway is retained. There is unrestricted parking opposite this entrance which means that any reduction in the width of the access will limit access by commercial vehicles and therefore have a potentially huge negative impact on my business Access via the Burnside entry is impractical for large vehicles and so	Noted and would not affect Access width not reduced

the Meadway access point is essential. Access to the rear of the commercial premises and flats is essential for LGV/HGV/Dustcarts and emergency services as well as for residents' vehicles. The existing access is already constrained and the proposed development would prejudice safety by reducing access size and visibility. There is significant pedestrian footfall across this access point, and parking is already an issue. For the flats above the shops, this is the only access emergency vehicles have to the area. Therefore if built on, their safety will be put at a major risk in any case of a fire, life threatening injury or even a burglary as emergency services will be at a disadvantage to reach the area	See section 7 below
<u>Out of keeping</u> not in keeping with the rest of the houses in Meadway as it is well over the Building line, and will stick out like a soar thumb don't believe the positioning so close to the road is in keeping with the rest of the road The proposed development by means of its siting, so far forward of the building line, on such a prominent site on entering Meadway and the wider estate is without doubt incongruous to the area. The proposal is far forward of the existing building line in Meadway, and as such would be intrusive and unsightly.	Noted - see section 7 below
<u>Parking</u> parking in Meadway is at saturation point now, especially when a Keys trip is taking place, add a further 3 bedroom house with only 1 parking space does not seem right, as most houses these days have more than 1 car 2 parking spaces will be required for this development yet only one additional parking space is shown. There is no room nor any capacity for additional parking in the service area 2 vehicles parked in the exact spot of	Noted - see section 7 below Noted

the proposed house/garden over the weekend - I believe the residence will lose at least 3 spaces if the development goes ahead. parking on this junction with Highfield Avenue is ridiculous at times and can make navigating the junction treacherous. development falls short on parking standards. area is already completely saturated with cars. on mornings and evenings on school days the area is so busy on the junction that it can be hard to cross safely due to lack of vision due to parked cars this would be a in increasing problem	
<u>Ownership/Loss of memorial trees</u> we have lived here since 1960 and are under the impression that the piece of ground with the 2 trees belongs to either H&W Council or HCC as we had to pay the council to have these planted in memory of Mrs Huntly, who was a well known resident who had died in the 60's/70's the memorial trees, these appear to be inside the boundary of the new houses garden- how are these going to be protected? The grass is a little nature reserve which although not important in the great scheme of things matters to birds etc that feed in that area	land is part of adopted highway and Notice served on HCC; see section 7 below Memorial trees would be lost - see section 7 below
<u>Overdevelopment</u> the applicant is trying to squeeze a quart into a pint pot.	Noted
<u>Insufficient amenity space</u> The development has insufficient private space and whilst not a clincher is in turn shown to the east of the property which is out of keeping with the north/south orientation of the surrounding area. I can't also help but feel the outlook from habitable rooms, especially from the smaller of the bedrooms is seriously lacking with nothing but a carpark and loading area to look at.	Noted 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 upon residential amenity
- (iv) Living conditions for future occupiers
- (v) Parking and Highways
- (vi) Crime Prevention
- (vii) Developer contributions / CIL
- (viii) Compliance with Habitats Regulations

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The updated NPPF 2018 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area..."*.

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

7.3 The character of the area includes dwellings set back from the highway with relatively open frontages and grassed highway verges creating a spacious setting with a strong building line. The pattern of development in the area generally comprises standard linear development with traditional two storey dwellings having private rear gardens. The proposed dwelling, at its closest point, would be set just 0.4m from the tarmaced pedestrian path on Meadway. This siting would be over 6m in front of Nos 1 Meadway. It is considered that the forward siting of the proposed two storey dwelling would represent an incongruous feature in the street scene at variance with the strong building line and otherwise open spacious character of the immediate area.

7.4 Policy CS16, in seeking High Quality Design, requires developments to respect their local context and states specifically at 1.c) that *"Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;"*. It is considered that the proposed development fails this criteria in that it neither respects the building line of the area nor the plot width and depth as its side garden is not characteristic of the surrounding pattern of development.

7.5 It is also considered that the application site is much smaller than surrounding residential plots that would not be compatible with the character of the area. The proposed garden area does not meet with the recommended 10m minimum garden depth as set out in the Borough Design Guide SPD, 2011. The substandard plot size results in a cramped and contrived layout at variance with the surrounding pattern of development. It is considered that the proposed development on this small plot would amount to over-development that would be harmful to the visual appearance and setting of the area, which fails to improve the quality of the area as required by the NPPF. Therefore the proposal is considered contrary to both policy CS16 and the NPPF.

- 7.6 The third party representations also note the loss of the two trees in the highway verge which were planted as memorial trees. Whilst their loss would contribute to the overall adverse impact on the visual appearance of the area as a result of the proposed development, they are not trees that are worthy of individual protection. Their loss would not be an arboricultural reason for refusal.

(iii) Impact upon residential amenity

- 7.7 Whilst the forward siting of the proposed dwelling relative to No 1 Meadway results in an incongruous relationship, it is however considered that this would result in limited harm to the residential amenity of the occupiers of No 1 Meadway. This adjacent dwelling has a blank side gable and being set so much further back, any oblique angle views from the front window would be unlikely to be harmful to their outlook. Any new boundary treatments would add to a sense of enclosure but this is unlikely to be so significant to materially harm neighbouring amenity sufficiently to justify a reason for refusal on this issue.

(iv) Living conditions for future occupiers

- 7.8 The proposed site is immediately adjacent the vehicular access to a rear service yard serving the adjacent shops and flats above. As a commercial area the activity of delivery vehicles, including large lorries, occurs throughout the day and would result in noise, vibration, disturbance and fumes. Policy DM18 of the Allocations Plan seeks to protect the amenity of future occupiers from negative affects from projected levels of air, noise, vibration, light, water or other pollution. It is considered that the location of this site, would not provide a satisfactory surrounding level of amenity for future occupiers. The commercial service yard would represent an incompatible use likely to generate noise and disturbance harmful to future occupiers.
- 7.9 The layout shown results in the north west corner of the proposed dwelling being sited hard up to the edge of the site with the service yard. The rear elevation has omitted ground floor habitable windows in recognition of the poor outlook (which has a detrimental impact on the resultant visual appearance of this facade with false windows at ground floor) but would still provide a first floor bedroom facing this rear yard. It is considered that the level of quiet amenity and outlook from this room would be compromised and not provide a satisfactory level of amenity for future occupiers. Therefore the proposal is considered to be contrary to policy DM18.

(v) Parking and Highways

- 7.10 The proposed dwelling would have 2 bedrooms. The adopted Parking SPD, 2016 stipulates that every new 2 bed dwelling should have a minimum of 2 on site parking spaces unless in one of the Borough's recognised accessible locations of Havant or Waterlooville town centre. Whilst the site is in close proximity to a bus route on Highfield Avenue, it is however not within a sufficiently accessible location to justify a relaxation of the parking requirement. If the applicant had wanted to rely on on-street capacity to justify a lesser parking provision, then in accordance with paragraphs 4.28 to 4.33 of the Parking SPD a Parking Survey should have been undertaken and provided. In the absence of such a survey, and with third party representations noting the surrounding parking congestion, it is considered that the lack of parking would give rise to indiscriminate parking on the adjacent highway, detrimental to neighbouring amenity. This lack of on site parking would therefore be contrary to policy DM13 and the adopted Parking SPD.

7.11 The Borough's highway engineer also noted the fact that the parking space is accessed from the rear service yard. This yard is within the ownership of the applicant and outlined blue and hence future occupiers would have the right to use this access route. The Hampshire Highway's comment notes that because the site includes part of the current adopted highway, then should the proposal be found to be acceptable, then it would be necessary to extinguish the highway rights via a legal agreement. Because the application is recommended for refusal this has not been progressed.

7.12 Third party representations also allude to the narrowing of the access to Meadway. However the application site boundaries extend up to the curved bell mouth entrance to the service yard, but not beyond it. The access to the service yard would not be narrowed as a result of this development.

(vi) Crime Prevention

7.13 The Crime Prevention Officer has raised two concerns about the proposed layout. Firstly in relation to the proposed replacement commercial refuse store to be sited against the northern garage. It is considered that being a flat roofed structure it would provide access to the roofs of the adjacent garages and the rear garden of 1 Meadway. This would increase the opportunity for crime, contrary to policy CS16, clause 2.a). Additionally the rear garden access to the proposed dwelling is from the rear service yard where there is little natural surveillance. It is considered that this layout would make the proposed dwelling vulnerable to crime, also contrary to policy.

(vii) Developer contributions / CIL

7.14 The proposed dwelling is both CIL liable and subject to policy DM24 ie a financial contribution towards the mitigation of the impact of new residential development on the SPA.

7.15 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 £80 per square metre on new floorspace (measured as gross internal area), plus indexation in Waterlooville.

7.16 The CIL forms note a floorspace of 70sqm which results in a CIL liability of £7,550.00. The Draft Liability Notice has been sent to the applicants.

(viii) Compliance with Habitats Regulations

7.17 This site falls within the 5.6km zone of Chichester and Langstone harbours SPA which are large estuarine basins that contain extensive inter tidal mudflats and sandflats 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. 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. This

Strategy seeks a sum of £531.35 as mitigation for the proposed 2 bedroomed property and the Unilateral Undertaking has been sent to the applicant. However this has not been returned, nor the monies paid.

- 7.18 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. However the applicant has not provided a package of avoidance or mitigation measures aimed at removing this significant effect. As a result, the HRA concludes that the planning application would be likely to lead to a significant effect on the Chichester and Langstone Harbours Special Protection Area. 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. As such, the planning application must be refused as being contrary to Policy DM24 and the Conservation of Habitats and Species Regulations 2017.

8 Conclusion

It is considered that this site, by virtue of its small size and siting adjacent to a commercial rear service yard, comprises an inappropriate plot for a residential dwelling that would amount to an overdevelopment of the site. The forward siting of the proposed dwelling is considered out of keeping with the set back and linear residential development characteristic of the area. The proposed development does not provide sufficient on site parking to meet standards and would result in further pressure for on street parking, detrimental to neighbouring amenity.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00822 for the following reasons

- 1 The size and shape of the plot would not allow for development of a standard compatible with the existing surrounding development and the proposed development would amount to an over-development of the site. The forward siting of the proposed dwelling would be at variance with the more spacious setting and character of the area and would result in an incongruous and contrived development, detrimental to the visual amenities of the street scene. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 2 By virtue of the site being adjacent a commercial rear service yard, the proposed development would not provide satisfactory living conditions for future occupants. The close proximity of the proposed dwelling to the service yard would result in a poor outlook and noise and disturbance that would have an adverse effect on the amenities of future occupiers contrary to policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2018.

- 3 Development of the site in the manner proposed would not provide adequate provision of car parking in accordance with the Local Planning Authority's adopted standards and would therefore encourage the parking of vehicles on the public highway, leading to indiscriminate parking, detrimental to highway amenity. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Parking SPD 2016 and the National Planning Policy Framework 2018.
- 4 Without the appropriate financial mitigation, the development would be likely to have a significant effect on the Chichester and Langstone Harbours Special Protection Area and so is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) and the Conservation of Habitats and Species Regulations 2017.
- 5 The proposed design and layout including flat roofed replacement commercial refuse store and rear garden access, would provide opportunity for crime. The proposed scheme does not satisfactorily design out opportunities for crime and would leave residents vulnerable to antisocial behaviour. The proposal is therefore contrary to clause 2.a) of policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.