

Site Address: 36 Summerhill Road, Waterlooville, PO8 8XE
 Proposal: Erection of 1No.4 bedroom detached dwelling; reduce crown to 9 metres on T3 oak, raise canopy to 3.5 metres on T4 western red cedar (T2 as identified on Tree Survey Report) of TPO 2011.
 Application Type: Full Planning Permission
 Application No: APP/24/00115 Expiry Date: 10/04/2024
 Applicant: Mrs Passingham
 Agent: Ms mottershead Case Officer: Joseph Toole
 jane mottershead designs ltd
 Ward: Cowplain

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a two storey detached property, located to the north side of Summerhill Road on a large plot. To the rear of the site is Latchmore Forest Grove. Vehicular access is from Summerhill Road with parking to the side of 36 Summerhill Road.
- 1.2 The application site is rectangular in shape with a width of approximately 29 metres and a length of approximately 39 metres. The application site has an area of approximately 1065 m2.
- 1.3 The character of the area comprises of detached properties with plot sizes smaller than the application site.
- 1.4 There are two TPOs on the application site, one being an Oak Tree and the other a western Red Cedar. Part of a TPO area is also located on the west side of the application site.
- 1.5 The site falls within Flood Zone 1 and would remain so in 2115.

2 Planning History

APP/13/00318 - Erection of 1No. 4 bed house with associated access (Plot 1),
PERM,30/05/2013

APP/13/00348 - Erection of 1No. 4 bed house with associated access (Plot 2),
PERM,10/06/2013

APP/13/00617 - Discharge of Condition No's 2, 3, 5, 6, 7 and 11 of Planning
Permissions APP/13/00348 and APP/13/00318., PERM,24/07/2013

APP/15/00285 - Fell 6No. Oaks; crown reduce 2No. Oaks. All trees within G1 of TPO
2011., REF,27/04/2015

APP/15/00554 - Crown reduce 3No. Oaks by 1.5m, within G1 of TPO 2011.,
PERM,02/07/2015

APP/23/00218 - T1 - Common Oak - Reduce height by 3m, width by 2.5m overhanging No36. leaving a height of 11m & width of 5m. T2 - Common Oak - Reduce height by 3m, width on east side by 2m, west side by 1m(as indicated) - leaving a height of 12m and a width of 5m. T3 - Common Oak - Reduce lateral branch over No36 by 5m - reduce remaining width on north side by 2.5m - reduce height by 3m - leaving a height of 7m and width of 5m. Subject to TPO Group 2011, PERM,10/05/2023

3 Proposal

- 3.1 The proposal would involve the erection of a 1No 4 bedroom two storey detached dwelling to the east side of the existing dwellinghouse. The proposed dwellinghouse would be set back within the site with a width of approximately 7 metres, a depth of approximately 12 metres with a pitched roof having a maximum height of approximately 8.3 metres.
- 3.2 The proposed development would also involve works to the TPOs. These would involve the reduction of the crown to 9 metres on the Oak Tree and the raising of the canopy to 3.5 metres on the Western Red Cedar.

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)
CS19	(Effective Provision of Infrastructure)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

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

Arboriculturalist (1)

1. I have carried out a review of the relevant documents available on the HBC planning portal and provide the following comments. Please note this is as desktop review only, as I have not had instruction for a site visit. In the absence of a site visit I must assume the submitted descriptions and assessments of the trees and the site to be true, fair, and accurate.
2. I have seen the submitted tree report Ref: Beechdown B/0482/24 – Feb 24
3. It can be seen from Google Streetview (Aug 23) that there are trees on the site not shown on the tree survey plan. If these are still present, they should be shown on the tree survey plans, but these may have been removed prior to submission.
4. The tree report suggests works to trees protected by TPO, but these are ambiguous and not clearly detailed in the method statement. Reference to work is only in the recommendations contained in the tree survey schedule and discussed in the report. This would not constitute application or consent to work on TPO trees, should the planning application be granted consent.
5. There is no reason given, or obvious, for the work recommended to oak tree T3, and the specification is ambiguous. Works suggested for T2 Western red cedar does not seem unreasonable, but this must be more clearly specified.
6. The submitted Tree Protection Plan has not included dimensions. I understand positions can be set out using survey equipment and co-ordinates, but drawing dimensions are required for checking/enforcing the agreed positions on site.
7. The submitted method statement is written with the advisory verb 'should' so would not be enforceable, therefore not adequate to ensure that retained trees are not adversely impacted by the proposal. This must be written as 'must be' or 'will be' to be acceptable and enforceable.
8. In summary, I have no real concern regarding the proposal, but I recommend the points raised above are addressed so that the method statement can be enforced to prevent unnecessary damage to retained trees.

Arboriculturalist (2)

1. I have reviewed the applicant's response to the arb comments made on the 4th of April 2024.
2. These comments requested a dimensioned Tree Protection Plan. This has not been provided.

Once all of the requested information has been supplied, I will review the response.

Arboriculturalist (3)

Thank you for the additional information relating to trees.

Please condition the full deployment of and adherence to the Arboricultural Method Statement and dimensioned Tree Protection Plan if the application is consented.

Reason: to safely retain trees on site.

Building Control, Havant Borough Council (1)

- 1) The proposed building appears to be within 3m of a foul water public sewer, as shown on the GIS sewer map rather than the submitted plan.
- 2) The unprotected area formed by windows on the North elevation is in excess of the allowable area as indicated in Approved Document B Volume 1
- 3) Consideration should be given to the proposed ground floor WC to ensure that compliance with the guidance given in Approved Document M Volume 1 is achieved.

Building Control, Havant Borough Council (2)

Further to your request for re-consultation I have the following comments

- 1) The proposed property is still within 3m of a foul water public sewer shown on the map of sewers. There appears to be no change to the submitted plans in this matter.
- 2) The total area of proposed windows in the north west elevation has been reduced but is still over the allowable 1m². The total area of the window to the shower room, bathroom and study should be reduced to a maximum of 1m²

Officer Comments

The Applicant's Agent confirmed they have measured the position of the foul water sewer on-site and the proposed building is not within 3 metres of this drain.

Building Control, Havant Borough Council (3)

The plans have been amended to reduce the unprotected area due to the windows which will comply with Requirement B4.

Other issues the application needs to consider, although more relevant to the Building Regulations application, will be the means of escape from the first floor rooms and the ground floor study and the ventilation of the bathroom and shower room. The design of the windows need to provide adequate means of escape which mean a change in style to allow this.

Officer Comments

The above comments have been forwarded to the agent and would be an informative if permission is granted.

Community Infrastructure, Planning Policy & Urban Design

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, pending a response from Natural England on the 'HRA?', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Councillor Andrew Briggs

No Comment.

Councillor D Keast - Cowplain

No Comment.

Councillor Neil Bowdell - Cowplain

No Comment.

Crime Prevention -Minor Apps

No Comment.

Developer Services, Southern Water

Following the review of the submitted documents, we have the below comments for the Planning consultation.

Protection of Public Apparatus

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

Foul and Surface Water Drainage

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Hampshire Highways

There is already an access on this site's frontage, the current proposal replaces it with another and a second new one is proposed to serve the existing dwelling. The site is located close to the end of a cul de sac and as such there is likely to be few vehicular movements and those that are will be travelling slowly. There is a pedestrian link at the western end of the road to an adjacent development.

I confirm the Highway Authority have no objection subject to Conditions and a Note to Applicant.

Conditions

1. Prior to occupation the accesses to the proposed and existing dwellings shall be provided with a non-migratory surface material for a minimum distance of 6m. measured from the nearside edge of carriageway of Summerhill Road. Any gates or other obstruction to the passage of vehicles shall also be provided a minimum of 6m. measured from the nearside edge of carriageway of Summerhill Road.
2. Prior to occupation the existing vehicular access at the eastern end of the frontage shall be physically and permanently closed.
3. Prior to either the new access being used visibility splays of 2m. x 2m. shall be provided at each access point to enable drivers emerging from the sites to be able to see short pedestrians. The splays are to be measured along the centre line of each access from where it meets the site frontage/back of footway and along the back of footway in both directions. Within these splays nothing above 0.6m. of the adjacent footway shall be retained and these splays shall be retained at all times thereafter.

Note to Applicant

Before undertaking any work which affects a public highway you must obtain specific written approval from the Director of Universal Services at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway.

For further information, please contact roads@hants.gov.uk

Apply for a licence to excavate the highway | Hampshire County Council (hants.gov.uk)

Nutrient Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>.

Portsmouth Water Company

Portsmouth Water have reviewed the above application reference APP/24/00115 and have no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission.

Waste Services Manager

No Comment.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment, dated 13th March 2024, 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.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant. As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on Habitats Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the Habitats Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.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: 7

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Will windows overlook my back garden	Communication took place with the resident
Could the side window overlooking my back garden be obscured	As this window would be above 1.7 metres finished floor level it is not considered appropriate to condition to be obscurely glazed

7 Planning Considerations

7.1 Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites 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 a legal agreement to secure the mitigation packages.

7.2 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) Access and Parking
- (v) Drainage
- (vi) Tree Matters
- (vii) Community Infrastructure Levy

(i) Principle of development

7.3 The application site is situated within an urban area where further development is considered acceptable in principle, subject to the usual development control criteria. The NPPF supports sustainable development with three aims: the economic; social; and environmental objectives. Havant Borough Council development plan comprises the Hampshire Minerals and Waste Plan; the Havant Borough Core Strategy 2011 and the Havant Borough Local Plan (Allocations) 2014 and in accordance with paragraph 11 of the NPPF decisions should be made in accordance with the development plan.

7.4 It is noted that the Council's Five Year Housing Land Supply Update (March 2023) shows that the Borough has 1.81 years housing land supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where there are relevant policies of particular importance that are a clear reason for refusing the application or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.5 This material consideration is balanced against the topics discussed in detail below.

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

7.6 The proposed new dwellinghouse would be located within a row of properties along Summerhill Road. It would have brickwork and clay roof tiles. A sample of materials condition is recommended. The proposed new dwellinghouse would be of similar size and height to the other properties along the street, thus appearing inkeeping with the character of the area.

7.7 The proposed new dwellinghouse is considered to be located within a suitably sized plot with sufficient amenity space, meeting the standards set out within Havant Borough Design Guide SPD. It would be set back within the site therefore deemed to have a limited impact upon the street scene. The principle elevation is on the east side of the property facing No.34 Summerhill Road. Whilst this would differ from the majority of other properties within the street scene it is not considered to be adversely impactful to warrant a refusal.

7.8 Overall, the design and appearance of the proposal is deemed appropriate in context to the character of 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

Impact on existing residential amenity

- 7.9 The proposal would involve the sub-division of the plot for No.36 Summerhill Road. This would result in the reduction of the amenity space available for the occupiers of No.36. Following the subdivision, the existing dwellinghouse is still considered to provide adequate amenity space for its occupiers with a rear garden having a depth of over 20 metres and sufficient space to the front and sides. This would comply with the size criteria set out within the Havant Borough Design Guide SPD.
- 7.10 The proposed dwellinghouse would be set further back than the existing property at No.36. Due to its position, it is not considered to have a directly harmful impact on liveability of No.36 internally. The proposed dwelling would go along part of the eastern boundary of No.36 with a separation distance of approximately 1 metre from the side wall of the dwelling and the boundary. Whilst this would reduce the outlook on the outdoor amenity space for No.36 due to its length not extending along the whole boundary and large area of amenity space available it is considered on balance to be acceptable and not appear overly overbearing to warrant a reason for refusal. This is also further helped by its orientation, with the proposed dwelling being located to the east side of No.36 therefore resulting in limited overshadowing and loss of light.
- 7.11 Within the proposed dwellinghouse there would be a ground floor window serving a study room facing the rear garden of No.36. There would be no first floor windows on this side. The proposal would involve the erection of 2 metre high close boarded fencing along the side boundaries, which would be conditioned if permission is forthcoming. This would provide adequate screening for the study room not to cause harmful overlooking into the private amenity space of No.36. To the rear of the proposed dwellinghouse there would be bi-folding doors on the ground floor serving the kitchen and dining room. These views would be screened by the fencing thus not considered to cause harmful overlooking. At first floor level there would be two windows both serving bedrooms. Whilst these would face out towards the rear with views of the rear garden of No.36 it is considered to create views expected within a residential area and as such not considered to cause harmful overlooking to warrant a refusal. This is justified within the Havant Borough Design Guide SPD.
- 7.12 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on No.36 Summerhill Road meeting the requirements of Policy CS16 of the HBLP (Core Strategy). However, to bring under control any future extensions to the proposal, it is recommended that permitted development rights be removed.

Impact on future residential amenity

- 7.13 In terms of the living conditions for future occupiers of the proposed dwelling, the proposed Gross Internal Area accords with the Government's Technical housing standards - national described space standard and is considered to be acceptable for a 4 bed, 7 person dwelling with an adequate rear garden.
- 7.14 Bins would be stored to the rear of the site and can be moved via the side access to the front of the property, therefore considered to be acceptable.

- 7.15 Both properties either side have dormer windows facing out onto the proposed dwellinghouse. Due to the placement of the proposed property being located further back into the site it is not considered to be harmfully overlooked to impede the liveability of the future residents. It is worth noting these views would mostly be to the front of the proposed dwellinghouse.

Impact on surrounding residential amenity

- 7.16 In terms of the impact on the residential amenity of No.34 Summerhill Road to the east of the application site, the proposed dwellinghouse would be well offset from the shared boundary by approximately 5.8 metres. As such it is not considered to be overbearing or result in the harmful loss of light to the occupiers of No.34. On this side there would be a window and front door on the ground floor. These views would face out onto the side wall of No.34, and due to the existing fencing along this side it is not considered to cause harmful overlooking to the neighbouring property. At first floor level there would be a landing window. As this would be above 1.7 metres finished floor level it is considered to be 'non looking' thus not considered to cause harmful overlooking onto the private amenity space of No.34. To the rear of the proposed dwellinghouse there would be bi-folding doors on the ground floor serving the kitchen and dining room. These views would be screened by the fencing thus not considered to cause harmful overlooking. At first floor level there would be two windows both serving bedrooms. Whilst these would face out towards the rear with views of the rear garden of No.34 it is considered to create views expected within a residential area and as such not considered to cause harmful overlooking to warrant a refusal. This is justified within the Havant Borough Design Guide SPD.
- 7.17 To the rear is Latchmore Forest Grove. Due to the separation distance from the proposed dwelling to the properties along Latchmore Forest Grove and it being spilt by the road it is not considered to have an adverse impact on the properties along this side.
- 7.18 Overall, it is considered that the proposed dwellinghouse would be acceptable for its future occupiers and would not have an adversely negative impact on the neighbouring properties, having regard to Policy CS9 and CS16 of the Havant Borough Council Core Strategy (2011). It is noted whilst representations were submitted no letters of objection were received with respect to the scheme.

(iv) Access and Parking

- 7.19 The proposed works would involve the existing access being removed and replaced with two new accesses, one serving the existing dwellinghouse and the other serving the proposed dwellinghouse. Hampshire Highways commented on the application raising no objection to the revised accesses subject to conditions. These conditions have been recommended to the decision.
- 7.20 In terms of parking as the proposal would be for a 4 bedroom dwelling, 3 car parking spaces are required to be provided on site according to the Havant Borough Parking Standards SPD. The Site Plan shows 3 car parking spaces can be provided to the front of the property closest to Summerhill Road, therefore complying with Policy DM13 of the Havant Borough Core Strategy (2011). As these spaces are currently not available a condition for these car parking spaces to be made available prior to occupation of the dwellinghouse would be recommended if permission is forthcoming.

7.21 In terms of the car parking arrangements for the existing property (No.36 Summerhill Road) the Site Plan shows there would be two car parking spaces to the front of the property. As the property is a 3 bed dwellinghouse it is considered to comply with the Havant Borough Parking Standards SPD and Policy DM13 of the Havant Borough Core Strategy (2011). A shed is intended to be constructed to the rear of the site which can be used for suitable cycle storage, complying with the Havant Borough Parking Standards SPD with regards to cycle provision.

(v) Drainage

7.22 Southern Water commented on the application requesting a prior commencement condition to be provided to protect the public sewers. This prior commencement condition has been agreed by the Applicant and as such recommended to the decision.

7.23 Portsmouth Water commented on the application raising no objection.

(vi) Tree Matters

7.24 As previously mentioned the proposed development would involve works to the TPOs. These would involve the reduction of the crown to 9 metres on the Oak Tree and the raising of the canopy to 3.5 metres on the Western Red Cedar. The County's Arboriculturist commented on the application requiring additional information so that the Method Statement can be enforced to prevent unnecessary damage to the retained trees. The Applicant's Agent provided the additional information with a dimensioned Tree Protection Plan in which the County Arboriculturist raised no objection subject a condition for compliance with the details submitted. A condition to this effect has been recommended to the decision.

(vii) Community Infrastructure Levy

7.25 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 Waterlooville.

7.26 The proposal would result in new residential development which is (CIL) liable, and the appropriate forms have been submitted. The proposed total gross floor area would be 120 sqm. which would generate a total CIL liability of £16,328.57. The applicant has not claimed relief, assuming liability.

8 **Conclusion**

- 8.1 The proposed new dwellinghouse is considered to be acceptable. The development would not be harmful to the locality, or residential amenity. In highways and parking terms the proposal is acceptable, and matters raised by consultees can be appropriately addressed by conditions and/or informatives. Therefore, the proposal is considered to accord with the development plan when considered as a whole and the National Planning Policy Framework and would be appropriate to be recommended for approval.
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9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00115 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:

Location Plan and Block Plan
Site Block Plan
Proposed Elevations and Floor Plans - Amend B
Site Plan - 15/02/2024
CIL Form 1 15/02/2024
CIL Form 2
Tree Survey Report - Beechdown Arboriculture Limited dated February 2024
Design and Access Statement
Solent Nutrient Budget Calculator
Havant Occupancy Calculator
EU Avoidance and Mitigation Checklist
Tree Protection Plan - Construction
Tree Protection Plan - Landscaping

Reason: To ensure provision of a satisfactory development.

- 3 Construction of the building hereby permitted shall not 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 CS11.4, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E, of Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

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.

- 5 The car parking 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.

- 6 Prior to occupation the accesses to the proposed and existing dwellings shall be provided with a non-migratory surface material for a minimum distance of 6 metres measured from the nearside edge of carriageway of Summerhill Road. Any gates or other obstruction to the passage of vehicles shall also be provided a minimum of 6 metres measured from the nearside edge of carriageway of Summerhill Road.

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.

- 7 Prior to occupation the existing vehicular access at the eastern end of the frontage shall be physically and permanently closed.

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.

- 8 Prior to either new access being used visibility splays of 2m. x 2m. shall be provided at each access point to enable drivers emerging from the sites to be able to see short pedestrians. The splays are to be measured along the centre line of each access from where it meets the site frontage/back of footway and along the back of footway in both directions. Within these splays nothing above 0.6m. of the adjacent footway shall be retained and these splays shall be retained at all times thereafter.

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.

- 9 Prior to the commencement of development, details of measures to be undertaken to protect public sewers, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard against undue damage to the public sewer in the vicinity of the site having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

- 10 The dwellinghouse hereby approved shall not be occupied under close boarded fencing at a minimum height of 1.8 metres and no higher than 2 metres between No.36 Summerhill Road has been erected and retained as such unless otherwise agreed by the Local Planning Authority.

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.

11

1. 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; and
 - (b) All measures necessary to meet the approved water efficiency calculation have been installed.

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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 12 At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 13 The proposed development approved shall be carried out in accordance with the Tree Survey Report from Beechdown Arboriculture Limited dated February 2024, Construction Tree Protection Plan and Landscaping Tree Protection Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the TPO trees within the vicinity are retained and adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.