

and bin storage., WD,27/04/2020

APP/20/00696 - Sub-division of existing house to form 1No. 2bed and 2No. 1bed apartments and erection of a two storey side extension to form 2No. 2bed apartments with provision of car and cycle parking and bin storage. (Revised)., PERM,22/01/2021

APP/22/00587 - Variation of Condition Nos: 2 and 4 of Planning Permission

APP/20/00696, - replacement of the approved Arboricultural Report with an updated Arboricultural Report – granted 17/4/23.

3 Proposal

Variation of condition 2 of Planning Permission APP/20/00696 granted on appeal for (*refurbishment and sub-division of existing house to form one two bedroom and 2no one bedroom apartments and erection of a two storey side extension to form 2no two bedroom apartments*) relating to revisions to proposed floor plans and elevations.

3.1 Condition 2 states:

"The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan 16014 – PL L03A

Block Plan 16014 – PL L04B

Proposed Site Plan 16014– PL 401G

Ground Floor Plan 16014 – PL 402

First Floor Plan 16014 – PL 403

Roof Plan 16014 – PL 404 Rev. A

Street Elevation to Stakes Hill Road 16014 – PL 405

Front Elevation (S) 16014 – PL 406

Rear Elevation (N) 16014 – PL 407 rev A

Side Elevation (E)- 16014 – PL 408

Side Elevation (W) 16014 - PL 409 rev. A

Pedestrian Entrance from Durham Gardens 16014 PL 411

Arboricultural Method Statement by Bernie Harverson July 2020

Ecological & Bat Potential Assessment by Sylvatica Ecology June 2019

Environmental Noise Survey & Noise Impact Assessment Report by

Hann Tucker Associates June 2019

Transport Statement by RGP July 2020

Design & Access Statement August 2020"

3.2 The proposed covers:

South elevation - existing building

Change to fenestration - reduction in size of windows on ground floor of existing building

Change in design of door

Loss of one roof light and small chimney

South elevation - extension

One additional first floor window

East Elevation - extension

Reduction in size of windows, with one additional window.

There are internal changes to units 1,2 & 3, with the floor areas still meeting the Government's housing standards as to floor space.

3.3 There are no changes to the approved Site Layout Plan under permission APP/20/00696, with no changes proposed to the approved access, parking (7 spaces), EV charging points, bin storage, tree protection of TPO trees and pedestrian access onto Durham Gardens. Hence there was no need to reconsult Highways and the Arboriculturist over the proposal. The number of units and bedrooms remain the same as that previously approved.

3.4 As to the conditions imposed on permission APP/22/00587 (ie a follow up Section 73 application) the following have been submitted:

- 7. Construction Environmental Management Plan
- 8. Tree Protection Measures
- 9. Utilities & Services - Protection of Trees
- 10. Drainage - foul & surface
- 11. Materials
- 12. Landscape scheme.

3.5 The above conditions have been discharged. Therefore, they will not be re-imposed, if permission is granted.

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) |
| CS20 | (Transport and Access Strategy) |
| CS21 | (Developer Requirements) |
| CS8 | (Community Safety) |
| CS9 | (Housing) |
| DM10 | (Pollution) |
| DM13 | (Car and Cycle Parking on Residential Development) |
| DM6 | (Coordination of 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) |

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure - Comments

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>. If permission is granted and implemented, and this replaces APP/20/00696 abatement will be applied.

Councillor Diana Patrick - No Comment

Councillor Elizabeth (formerly Dianne) Lloyd - No Comment

Councillor S Milne - No Comment

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None.	

7 Planning Considerations

(i) Principle of development

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) Residential and Neighbouring Amenity
- (iv) Access & Parking Implications
- (v) Drainage Implications
- (vi) Impact on Trees
- (vi) Impact on Ecology
- (viii) Development Contributions & CIL

(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. Planning permission was granted at appeal on 22/01/21 under reference APP/22/00587 for the 'Sub-division of existing house to form 1 No. 2 bed and 2 No. 1 bed apartments and erection of a two storey side extension to form 2 No. 2 bed apartments with provision of car and cycle parking and bin storage'. Therefore, the principle of the extension and residential intensification of the site has already been accepted.

7.3 The proposal seeks to amend the approved scheme, which would not increase the number of bedrooms within the development, but would involve internal changes to the layout and the fenestration. These changes are set out above at paragraph 3.2.

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

7.4 The proposed changes to the east elevation extension would change the vertical theme of the original proposal, by the introduction of smaller windows. However, this is not considered to materially change the overall appearance of the proposal, or its impact on the original dwelling. The proposed changes would not result in an adverse impact on the character and appearance, of the area with the site effectively screened by existing hedgerow along the southern and eastern boundaries.

(iii) Impact upon residential amenity

7.5 The proposed changes would not result in any impacts on neighbouring properties, in terms of overlooking or loss of privacy.

(iv) Access & Parking Implications

7.6 No changes to the access, level of parking or EV charging points are proposed from that permitted under reference APP/20/00696, with no change of adopted policy since the grant of permission on 22/1/21. Therefore, these planning issues continue to be acceptable.

(v) Drainage Implications

7.7 The impact on drainage was considered to be acceptable under permission APP/20/00696, with no changes proposed.

(vi) Impact on Trees

7.8 The impact on trees was considered to be acceptable under permissions APP/20/00696 and APP/22/00587 and this variation would not affect that consideration.

(vi) Impact on Ecology

- 7.9 The impact on ecology was considered to be acceptable under permission APP/20/00696 and this variation would not affect that consideration.

(viii) Development Contributions & CIL

- 7.10 As to the Developer Contributions in respect of the Solent Recreation Mitigation Strategy and neutral nitrate development these were discharged under permission APP/20/00696. As to CIL, a CIL Liability Notice under the CIL Charging Schedule was served on the agent on 14/12/21 in respect of permission APP/20/00696. As advised under Section 5 above, if permission is granted and implemented, and this replaces APP/20/00696 abatement will be applied.

- 7.11 Planning permission APP/20/00696 included two Unilateral Undertaking (UU) dated 9 December 2020 and 30 April 2021. These covered the contributions required under the Solent Recreation Mitigation Strategy and neutral nitrate developments. At Clause 5.2 in the first UU it states:

" This deed shall apply to any planning permission subsequently granted under Section 73 or 73A of the Act, which permits non-compliance with any of the conditions attached to the Planning Permission (a "Subsequent Permission") and the Planning Permission shall be construed to include the development as stated in the Subsequent Permission, unless otherwise required by the Council".

- 7.12 A similar clause is included in the second UU. As this is a S73 application, seeking non-compliance with conditions attached to the Planning Permission, the contributions previously paid, covers this proposal, in compliance with the Habitats Regulations.

8 Conclusion

- 8.1 The current proposal seeks to amend condition 2 applied to the original planning permission reference APP/20/00696 under a S73 application. The amendments are considered to be acceptable in planning terms and conditional planning permission is recommended.
- 8.2 Relevant conditions are required to be carried forward from the original permission; however, as work has commenced in respect of the development there is no requirement to impose a time limit on the commencement of development, or the condition referred to at paragraph 3.4 above as they have been discharged.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01173 subject to the following conditions

1 **General**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan - Drawing No. 16014-PL L03A
Site Layout - Drawing No. 16014-PL 401G
Side Elevation (E) Rev A
Front Elevation (S) Rev.B
Proposed Ground & First Floor Plan
Rear Elevation (N) 16014 – PL 407 rev A
Side Elevation (W) 16014 - PL 409 rev. A
Pedestrian Entrance from Durham Gardens 16014 PL 411

Arboricultural Method Statement & Tree Protection Plan by Nicholas Jones
Consultants Limited, dated 13/6/22
Ecological & Bat Potential Assessment by Sylvatica Ecology June 2019
Environmental Noise Survey & Noise Impact Assessment Report by Hann
Tucker Associates June 2019
Transport Statement by RGP July 2020
Design & Access Statement August 2020

Reason: - To ensure provision of a satisfactory development.

- 2 In the event that piling is to be carried out on the site, prior to the development hereby permitted commencing, a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The piling shall be carried out in accordance with the approved scheme.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways, having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 In the event that suspected contamination is encountered during groundwork (e.g. obviously contaminated soil / groundwater, or any buried waste materials not assuredly comprising non-harmful construction materials) works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted, and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Reasonable investigation in the vicinity of suspected contamination, sufficient to characterise its nature, likely extent & mobility;
- 2) An appropriate assessment of the risks to all receptors that may be

affected, based upon 1), and;

- 3) Where potentially unacceptable risks are identified by 2), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability.

All investigation, assessments and other actions required by 1) - 3) above (and B, below) shall be undertaken by competent persons, and the findings presented as a written report. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A. A statement confirming that no suspected contamination was identified during development, OR;
- B. Documentation in accordance with 1) - 3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM17 of the Havant Borough Local Plan (Allocations) [2014] and the National Planning Policy Framework, there is a potential for contamination to exist at the site in connection with prior development activity which could pose a risk to site groundworks staff, and future occupants.

- 4 The existing hedges along the south and east boundaries as shown on the Proposed Layout Plan shall be retained and maintained at a minimum height of 2 metres.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed 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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of

Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 The approved tree protection measures as set out in the Arboricultural Method Statement and Tree Protection Plan by Nicholas Jones Consultants Limited, dated 13/6/22 shall be retained throughout the construction period for the development and the development shall be carried out strictly in accordance with the agreed details. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

7 **Prior to Occupation**

Prior to the first occupation of the development hereby permitted, details of bat and bird boxes to be installed on all of the apartments shall be submitted to and approved in writing by the Local Planning Authority. The approved bat and bird boxes shall be installed in full accordance with the approved details before the occupation of the development hereby permitted and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and biodiversity net gain, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Prior to the first occupation of the development hereby permitted, visibility splays of 2.4 metres x 15 metres shall be provided to the north and west of the vehicular access by:
- (a) in the case of the west, by the clearance of existing material between 0.6 metres and 2 metres above the adjacent carriageway level; and
- (b) in the case of the north, by the clearance of existing material between 0.6 metres and 2 metres above the adjacent shared use (foot/cycleway level).

These visibility splays shall be maintained at all times thereafter.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Prior to the first occupation of the development hereby permitted at least the first 6 metres of the access measured from the nearside edge of the carriageway of the adjacent highway shall be surfaced in non-migratory material. This area shall be maintained in this condition thereafter.

Reason: In the interests of highway safety and having due regard to policies

CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Prior to the first occupation of the development hereby permitted 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 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.
- 11 Prior to the first occupation of the development hereby permitted details of the cycle shelter shall be submitted in writing to the Local Planning Authority for approval. The approved shelter shall be installed before occupation in accordance with the approved details and shall be retained thereafter for its 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.
- 12 Prior to the first occupation of the development hereby permitted the Electrical Vehicle Charging points, as shown on approved plan 16014 - PL 401G, shall be installed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework
- 13 Prior to the first occupation of the development hereby permitted provision for refuse and recycling storage shall be made in accordance with details previously submitted to and approved in writing by the Local Planning Authority. This provision shall thereafter be retained for this purpose.
Reason: To ensure a satisfactory form of development having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework
- 14 Prior to the first occupation of the development hereby permitted the acoustic measures in terms of double glazing and incorporation of trickle vents shall be fully implemented in accordance with the Environmental Noise Survey & Noise Impact Assessment Report by Hann Tucker Associates June 2019 and thereafter retained as such.
Reason In the interest of the amenities of future occupiers of the development in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 15 Prior to the first occupation of the development hereby permitted;

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings shall be 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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.