

2 Planning History

Also current application on the site:

APP/22/00096 - Outline application for construction of a detached chalet bungalow on the site of a garage / shed to the south of the semi-detached house forming 2 North Street, Bedhampton with parking space for 2 cars.

- likely to be Withdrawn once this Full application is determined

3 Proposal

Construction of a detached chalet dwelling with 2 bedrooms and dormers with off street parking for 2 cars, following demolition of outhouses and a garage.

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

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)

Emsworth Neighbourhood Plan Post Examination Version 2020

n/a

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

There are no significant trees on site or on adjacent land that will be affected by the proposals.

Recommendation:

I raise no objection to the proposals.

Building Control

Details and location for bin storage for the new dwelling would be required.

Community Infrastructure

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>

Crime Prevention -Minor Apps

None received

Hampshire Highways

It is noted the applicant is altering both existing accesses to provide vehicular access to the proposed new dwelling. In order to confirm the suitability of both altered access, the Highway Authority will require visibility and pedestrian intervisibility splays in accordance with Hampshire County Council Technical Guidance TG3. Further information can be found at the following link: [TG3 - Stopping Sight Distances and Visibility Splays \(hants.gov.uk\)](https://www.hants.gov.uk/tg3)

It is not clear whether the applicant is intending to extend the existing dropped kerb as part of the proposals. Further information is requested from the applicant regarding this.

If this is the case, the Highway Authority will require a diagram showing the length of the proposed extension along with the existing length. Additionally, it is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway

Natural England

No Objection subject to securing appropriate mitigation

Natural England's formal **representation on appropriate assessment**

given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended).

We concur with the appropriate assessment dated 24 October 2022 provided all mitigation measures will be secured as planning conditions or obligations.

Norse South East

None received

Nutrient Team, Planning Policy

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

The applicant is however advised 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/>

Waste Services Manager

None received

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: 14

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Access and parking/turning in the road/getting out into the main road has increasingly become difficult. We have no dedicated lane turning right into the road and turning left difficult to navigate especially if the first and now this property will have cars. The existing owners may well only have two cars but when moving on it is two properties and likely that more cars would be used in the future. This road is used as an access to the local schools and parents & little ones walk along the paths and road. Safety is an issue especially as access and turning space has always been an issue. The road surface isn't great either. Homes are needed and feel that an extension to the existing property would be more appropriate and keeping the garage with accommodation above.	Highways and access matters - noted - see section 7 This is not the proposal being considered
Parking has always been a problem in the area and the requirement to provide off-street parking is welcome. However, the arrangement of the parking to the existing property seems unworkable.	Parking matters noted - see section 7

The front door to the house has a height sufficient to warrant two steps to get from ground level into the house which are not shown on the proposed plans. The need to have at least one step would seem to make the tandem parking arrangement difficult to implement as the width of the parking space would be reduced by the depth of the step which would hinder getting in and out of the parked car and also limit access to the front door. I understand that there is no formal requirement for owners to use allocated off street parking, but the proposed parking arrangement seems unlikely to be used or even possible especially if the vehicle in question is one of the very popular SUV types. I feel that the proposed development is unsuitable for the available area considering the requirement to be able to park four cars.	Planning can only ensure spaces are provided in accordance with standards
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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) Highways and parking
- (v) Impact on Trees
- (vi) Compliance with Habitats Regulations
- (vii) 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. The Council's Five-Year Housing Land Supply, Updated at November 2021, indicates the Borough's housing land supply position as 3.9 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits. It is accepted that the proposal for one additional dwelling, within the main urban area of Havant, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

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

- 7.3 The subdivision of the plot in the manner proposed would result in the host dwelling retaining a plot width of about 8.5m, with the proposed plot having a width of about 8m. These widths would be compatible with others in the cul-de-sac and not out of keeping with the pattern of development. It is accepted the garden depths are modest - the host dwelling would retain a maximum garden depth of 10m whilst the proposed dwelling would have between 8m and 6m deep rear garden. However the site is located adjacent the cottages fronting Bedhampton Road where rear gardens are only 5m deep. Given the sites immediate context adjacent these higher density properties, the proposed layout is not considered out of character with the area.
- 7.4 Visually the layout retains the majority of the existing front boundary wall and garden space with parking provided for the host dwelling as a tandem side drive - this area is already hard surfaced so there would be no change to the extent of hard surfacing. The proposed dwelling would replace the existing garage and greenhouse and has been sited aligned with number 2. It would have frontage parking, but again this area is already hard surfaced so in street scene terms there would be little significant change to the urbanisation of the site.
- 7.5 The design of the proposed dwelling is chalet style with single storey eaves line, pitched roof with half hipped ends to match the others in the street, and a front and rear pitched roof dormer. This would represent a logical step down in mass and bulk and silhouette of property in street scene terms that would still be sympathetic to the design features of the other properties in the cul-de-sac. The L shaped curtilage of number 1 provides a visual gap to the south, such that the proposed dwelling would not appear overly cramped.
- 7.6 Overall, the plot width is considered commensurate to others in the cul-de-sac, and visually the siting, scale and design of the proposed chalet style dwelling is considered to respect the visual appearance of the street scene. The proposal would be appropriate in terms of design and scale and would have limited adverse impact on the character of the area, and can be considered to comply with policy CS16 of the Havant Borough Core Strategy, 2011. To avoid any further overdevelopment of the plot it is however considered necessary to remove permitted development rights for any further extensions.

(iii) Impact upon residential amenity

- 7.7 In terms of adequacy of on site amenity space for future occupiers, the proposed garden depth would be between 8m and 6m with tapered width of at least 8m. Whilst the strict length falls below the recommended minimum of 10m as set out in the Borough Design Guide SPD, nevertheless the area of amenity space available is considered usable and appropriate for this modest 2 bed dwelling. The rear garden would have a fairly open westerly aspect over the long rear gardens of 44 and 46 Bedhampton Road and then the rear car park of the pub with no resultant back to back separation issues. As such the garden would benefit from good sunlight and an open outlook and overall the available area is considered both usable and suitable for future occupiers.
- 7.8 The proposal also retains sufficient amenity space for the host dwelling, which would still have a garden depth of up to 10m from the rear of the existing conservatory, sufficient for the occupiers of this dwelling.

- 7.9 In terms of impacts on neighbouring properties, the separation from the rear of the Bedhampton Road cottages would be about 10m. There would be some increase in mass and bulk compared to the existing garage affecting outlook from their rear windows. The adopted Design Guide SPD indicates that acceptable levels of daylight can be achieved using the 25 degree vertical angle assessment which results in a 10m minimum separation between dwellings. As such the proposed layout would just meet this daylight guidance. In addition it is noted that the proposed dwelling has been kept low and would be due north of the Bedhampton Road cottages, such that the loss of sunlight from overshadowing would be minimal.
- 7.10 The impact on the intervening amenity space of number 1 would similarly be limited due to the orientation. This boundary is currently low and the amenity area quite open to the application site, but regard must be had to the potential for a permitted development 2m fence along this boundary.
- 7.11 In terms of potential for overlooking the plans indicate a first floor window in each of the side elevations serving the stairwell and a bathroom. The bathroom window in the south elevation is shown as obscure glass but given the proximity to the rear gardens of the Bedhampton Road cottages and the adjacent amenity area of number 1, then it is recommended that it should also be conditioned to be non-opening where below 1.7m internally to protect privacy.
- 7.12 Given the tight knit nature of surrounding development, where a degree of overlooking from first floor rooms is the norm, the addition of this chalet bungalow would not materially increase overlooking or loss of privacy to nearby residents. Overall the harm to adjacent residential amenity from outlook, light and privacy would be limited, and as such the proposal is considered to comply with policy CS16 of the Havant Borough Core Strategy 2011 and the Borough Design Guide SPD 2011.

(iv) Highways and parking

- 7.13 Third party comments note the existing difficulty experienced by residents of accessing and egressing the cul-de-sac from the main road, safety of pedestrians close to the school, and the proposed parking arrangement. However the trips generated by just one additional dwelling would not have a sufficiently significant impact on highway capacity or safety to justify a reason for refusal. HCC have not objected to the principle of a dwelling. They did however request visibility splays which have been provided and demonstrate adequate visibility from both drives and parking places. In terms of extent of dropped kerb, this is already double length and whilst may need further adjusting, on this non-classified road, this is done separately, directly with HCC. There is also a street light which may need re-siting at the developers expense. An Informative can be added regarding works to the highway.
- 7.14 The plans provide 2 parking spaces for each dwelling in accordance with the Parking SPD. All 4 spaces measure the minimum of 2.4m x 4.8m. The 2 spaces serving the new dwelling fit on the frontage by virtue of the kink in the road which enlarges the site slightly at the front. The 2 tandem spaces serving the existing dwelling are drawn close to the dwelling which, as the third party representation suggests may impact access to the front door and its step. However there is a 3.6m separation between the side wall of the existing dwelling and proposed dwelling which would be sufficient for any vehicle to manoeuvre away from the step and allow pedestrian access to the front door.

- 7.15 North Street has single yellow lines and parking restrictions between 9am to 5pm Monday to Saturday. As such any overflow parking to the highway would be limited, encouraging use of the on-site spaces. The plans also show a shed for cycles within the rear garden, further meeting the cycle storage requirement of the Parking SPD, as well as waste and refuse storage. Overall the development is considered to have no adverse impacts on highway safety and can provide sufficient on site parking, compliant with policies CS16 and DM13.

(v) Impact on Trees

- 7.16 The off-site large fir trees to the west are over 15m from the proposed dwelling. The tree roots are already compromised by surrounding hard surfacing and walls and it is considered the separation distance is sufficient for the development to not cause any harm to the trees. They are not TPO'd and provide little public amenity. The tree officer has not objected to the proposal.

(vi) Compliance with Habitats Regulations

- 7.17 The proposal would result in the net gain of one, two bedroom dwelling which needs to comply with the Habitats Regulations. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of 1 additional 2 bedroom dwelling.
- 7.18 Using Natural England's updated Methodology in March 2022, the planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.19 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £614.15 to address the potential recreational harm from the new development. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, May 2022, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £977.84 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.
- 7.20 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment and raise no further objection. The Council's assessment as competent Authority under those regulations is included in the case file.

(vii) CIL

- 7.21 The development is CIL liable for the net additional internal floor space, which amounts to 115sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and 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 CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has increased accordingly.
- 7.22 The levy to be charged for this development would be £80 + indexation per square metre on new floor space. A credit can be given for the existing buildings (garage & greenhouse) and as such the net gain in floor space amounts to 35 sqm which results in a Liability of £4,150.00. The Draft Liability Notice has been sent to the agent.

8 Conclusion

- 8.1 Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged which gives a presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits. There has been no identified harm arising from this development and therefore the tilted balance benefit of 1 additional residential unit towards the Borough's housing need prevails.
- 8.2 The proposal meets the Habitats Regulations with recreational and water quality impacts adequately mitigated against. Overall the proposal is therefore considered acceptable and recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00980 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:

Occupancy Calculator
Nutrient Budget Calculator
Location and Block Plan - Drawing Number GSAL2417/01 Rev B
Existing and Proposed Floor & Elevation Plans - Drawing Number GSAL2417/02 Rev B
Visibility Splay Details - Drawing Number GSAL2417/03

Reason: To ensure provision of a satisfactory development.

3

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. 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.

4

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. 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

- 5 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the hereby approved dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

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

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

- 7 The car and cycle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, roof addition, or outbuilding (other than hereby approved cycle shed) permitted by Schedule 2, Part 1 Classes A, B or E of the 2015 Order, as amended, shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To avoid overdevelopment of the site and 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.

- 9 Notwithstanding the hereby approved plans or provisions of any Town and Country Planning (General Permitted Development) Order 2015, the windows in the side elevations shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass, which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent), and retained as such thereafter.

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.

