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|-------------------|--------------------------------------------------|---------------|-------------|
| Site Address:     | Land adj 1 Minters Lepe, Waterloooville, PO7 5QS |               |             |
| Proposal:         | Erection of 1No.3 bedroom dwelling.              |               |             |
| Application Type: | Full Planning Permission                         |               |             |
| Application No:   | APP/24/00117                                     | Expiry Date:  | 28/05/2024  |
| Applicant:        | Mr Blee                                          |               |             |
| Agent:            | Mr Palmer                                        | Case Officer: | Tina Pickup |
|                   | NA Palmer Design Ltd                             |               |             |
| Ward:             | Purbrook                                         |               |             |

Reason for Committee Consideration: At the request of Councillor Diamond

HPS Recommendation: **GRANT PERMISSION**

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### **Executive Summary**

The proposed development would result in the addition of a 3-bedroom dwelling to the end of the existing terrace at 1 Minters Lepe. The design, height and scale of the proposed dwelling would respect the host terrace. Two parking spaces are proposed, meeting the adopted Parking SPD, accessed off the rear service road. The layout would result in a garden length of only 6m which is below the recommended minimum of 10m within the adopted Borough Design Guide SPD, but policy CS16 also requires development to respect its context and the character of the area. It is noted the layout does respect the pattern of development in Minters Lepe and would provide adequate amenity space for future occupiers.

Third parties raise highway safety concerns about visibility and on street parking, but visibility would be no worse than existing, and Hampshire Highways raise no objection.

Mitigation has been secured for the likely significant impacts on the designated European sites from recreational and water quality issues, and a Habitats Regulations Assessment completed.

As the Borough cannot demonstrate a five-year housing supply then paragraph 11d) of the NPPF is engaged which gives a presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

In this case there are no identified adverse impacts to outweigh the identified benefits (provision of 1 dwelling; economic benefits from its construction and future spend of occupants; and social benefits of a new household in a sustainable location) and as such permission is recommended.

## **1 Site Description**

- 1.1 The red lined application site relates to the side garden area of 1 Minters Lepe, which is an end of terrace 1960's style two storey dwelling. It is the most northerly dwelling fronting Minters Lepe sited on the corner with St John's Avenue. The row of dwellings in Minters Lepe back onto a private rear access road and each dwelling was originally constructed with a detached garage covering half the width of their rear gardens, which are accessed from the private access road. This rear access road is shared with the properties in The Guelders.
- 1.2 The dwelling at 1 Minters Lepe is constructed of pale red brick with tile hanging on the

front elevation, beneath a gable ended concrete tiled roof. It has a sloping roofed front porch and the side garden is enclosed with a 1.8m high close boarded fence. The existing garden area of 1 Minters Lepe benefits from the additional side garden, but otherwise the gardens of the dwellings on the north-western side of Minters Lepe are generally 'L' shaped, wrapping around the rear garages. The garden lengths vary from 6m to the garages to about 12 to 13m to the rear access road. Notably some of the properties have reduced the length of their gardens where adjacent the garages, to create additional hard surfaced areas accessed from the rear.

- 1.3 The properties on the south-western side of St John's Avenue, in the immediate vicinity of the application site, are all of a similar design giving a uniformity of appearance. In contrast the opposite side of St John's Avenue is characterised by lower profile detached bungalows. Overall the area is residential in character, being of medium density with wide grassed verges, with areas of open space, including an open grassed area to the north west of the application site.
- 1.4 The land in the area does however slope and undulate, with a gentle fall in Minters Lepe from south to north; and St John's Avenue drops to a low point on the bend in the road adjacent the application site. As a result the properties in Minters Lepe are stepped down in pairs or threes, which gives the visual impression of semi-detached dwellings rather than terraced.
- 1.5 There are no Tree Preservation Orders on or near the site, and a large tree in the rear garden of the application site was felled prior to the submission of this application, but it was not protected. An ornamental tree remains in the highway verge at the front of the site. The site lies outside any current or future flood zone.

## **2 Planning History**

12642/15 - The erection of 42 houses and garages at Ardington Rise, Crookhorn Lane, St Johns Avenue and Farthings Gate, Purbrook - Permitted 7 July 1964

27469 - Replace and reposition 6' high fence - Permitted 24 July 1978

## **3 Proposal**

- 3.1 Erection of 1No.3 bedroom dwelling.
- 3.2 The proposal would add an additional dwelling to the end of the existing terrace and externally its design would match the host terrace. The proposed dwelling would be 5.4m wide and the same depth as the host dwelling at 8.6m deep. A front porch the same as the host dwelling would be provided. Proportionally the proposed dwelling would be of the same height, but due to the levels of the land would be stepped down by 0.5m.
- 3.3 Two on site parking spaces would be provided to the rear, as hard surfaced spaces accessed directly off the rear access road. A secure cycle store is proposed for the rear garden. The existing close boarded fence would largely be unaffected and repaired as necessary, with its alignment reduced at the rear to go around the proposed parking spaces. Indicative landscaping is shown adjacent these spaces and within the front garden.
- 3.4 The host dwelling at 1 Minters Lepe would be unaffected - a new close boarded fence would separate the new dwelling from a reduced garden area for number 1, which would retain the existing rear 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

|      |                                                                                   |
|------|-----------------------------------------------------------------------------------|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS16 | (High Quality Design)                                                             |
| CS17 | (Concentration and Distribution of Development within the Urban Areas)            |
| CS21 | (Developer Requirements)                                                          |
| CS9  | (Housing)                                                                         |
| DM10 | (Pollution)                                                                       |
| 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)                          |

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## 5 **Statutory and Non Statutory Consultations**

### **Building Control**

No comments

### **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>

### **Councillor Ms C Diamond - Purbrook Ward**

Request for item to be considered at Committee - the development would be detrimental to the surrounding area. The infrastructure is such that it would cause difficulties on neighbouring roads especially in lines of site. This would set a precedent for future development.

### **Crime Prevention**

None received

### **Environmental Services**

HBC on behalf of Norse South East:

#### 1. Access Requirements:

Access/Service Roads need to be capable of taking a 26 tonne Refuse Collection Vehicle (RCV) and allow vehicle to reverse close to bin store or containment area.

Width of RCV 2.8m, maximum length 11.3m.

Drop kerbs also need to be provided to allow easy transfer of bins from store area to vehicle.

No bins to be pulled or waste carried more than 25 metres.

## 2. Bin Stores:

Almost all bulk bins utilised by the Authority are approximately 1.26 metres wide, therefore doors to stores need to be of 1.8 metres width to enable all types of container to be easily removed and returned.

A standard depth of 1.0 metre also applies to the majority of bulk bins, and bin stores therefore need to accommodate the required of containers measuring 1.26m x 1,0m.

NB: In 2026 food waste collections will be introduced, so consideration should be given to capacity for additional containers.

## 3. Bin requirements

Note: Factors such as family size and age of occupants can influence the number of bins required and it is therefore advisable that the Waste Management team be asked to confirm each calculation if possible.

## 4. Bin sizes for Information:

- a) 140 litre (plastic) - 1065mm tall x 485mm wide x 550mm deep
- b) 240 litre (plastic) - 1075mm tall x 580mm wide x 725mm deep
- c) 660 litre (metal) - 1310mm tall x 1260mm wide x 730mm deep
- d) 940 litre (metal) - 1500mm tall x 1020mm wide x 975mm deep
- e) 1100 litre (metal) - 1370mm tall x 1260mm wide x 990mm deep

## **Hampshire Highways**

### Initial response

The proposal relates to the provision of a single property with parking being accessed from an unadopted private roadway serving a parking area including garaging. The Highway Authority would therefore advise that as a single dwelling with no change in access to the public highway, HCC's Highway Standing Advice should be referred to in the first instance. This can be viewed via the following link under the heading Consultation with the Highway Authority - <https://www.hants.gov.uk/transport/developers/consultation>

### Further response following request to review visibility etc

In the earlier Highway Authority response dated 10th April 2024 it was advised that as the application related to a single dwelling with no new access to the public highway that the case officer should consider the highway aspects directly under the terms of Standing Advice.

The Highway Authority would advise the following with regard to the public highway network. The private access road which provides parking/garaging for adjoining properties has a junction with St Johns Avenue which is an unclassified adopted highway covered by a 30 mph speed restriction. The speed restriction requires the provision of 2.4 metre x 43 metre visibility splays at that junction. Which is achieved to the left on exit however, the splay to the right on exit is partially compromised due to the road alignment. This is however, an established junction and an initial review of the latest 10 years of Hampshire Constabulary Personal Injury Collision Data shows no recorded incidents at that junction or on the approaches to that junction. It is considered that the additional traffic generated by the introduction of an additional single dwelling with 2 car parking spaces would not result in a significant impact on the operation or safety of the Local Highway Network.

The arrangement for access off the private access road and the suitability of the parking provisions are matters to be considered by the Planning Authority having regard to HCC's Standing Advice.

### **Natural England**

#### **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 National Site Network sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 25 April 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.

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.

#### Additional advice

Further general advice on the protected species and other natural environment issues is provided at Annex A

### **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/>.

## **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: **10 letters in total**: 9 letters from 7 addresses have been received on the original plans - **8 of which are objections and 1 support. 1 further letter of objection** has been received on the amended plans. Neighbour notification on the latest amended plans runs until 3rd June 2024 and any further comments received will be reported to Committee.

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Officer Comment                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Parking</u><br/>Not enough in road - if new development came with parking spaces I would not object</p> <p>The previous occupant of 1 Minters Lepe stated that the garage was so close to the corner that access to it was difficult, yet the proposed two-car hard-standing area is even closer to the corner of St John's Avenue.</p> <p>Proposed spaces on corner tricky to access on blind bend, and new property would restrict view further</p> <p>Most properties in Minters Lepe have off-road garages/parking spaces but either do not use them or have multiple vehicles so park in the street. Another dwelling, even one with parking space, will add to the existing problem.</p> <p>will be additional vehicles trying to park in St John's Road and locally</p> <p>Rear service road in use 24/7 causing problem for refuse/recycling collections</p> | <p><i>It comes with 2 spaces</i></p> <p><i>Noted - see section 7</i></p> <p><i>Noted - see section 7</i></p> <p><i>Generally there are no parking restrictions in the area so it is legal to park on street in principle</i></p> <p><i>See comment above</i></p> <p><i>Noted – however, just 1 additional dwelling is not considered to have a severe impact</i></p> |
| <p><u>Traffic/Road Safety/Line of Sight</u><br/>Likely increase in volume of traffic entering or leaving the area</p> <p>On a blind corner where there is frequent/numerous accidents and a history of near misses; will impact drivers' line of sight; vehicles pulling out of the service lanes can only just see; a house in the way will result in a bigger risk; an accident waiting to happen</p> <p>Proposed garage spaces very close to entrance of service road and on a bend causing safety concerns - access hidden</p> <p>Currently, despite wooden fence around the garden of 1 Minters Lepe, it is possible to see oncoming vehicles beyond the corner, whether approaching the bend from the east (Crookhorn Lane) or west (Stakes Road).</p>                                                                                                               | <p><i>See section 7 - just 1 new dwelling is unlikely to have a severe impact</i></p> <p><i>See section 7 – there is no record of accidents held by the Highways Authority</i></p> <p><i>Noted - see section 7</i></p> <p><i>Noted - see section 7. It is the fence that is the obstruction, and the proposal will not make the situation worse</i></p>              |

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>St Johns Avenue a busy road used as a shortcut and by learner drivers</p> <p>30mph limit rarely kept to; fast driving vehicles</p> <p>Residents parking makes it difficult to see traffic coming up the hill from Stakes Road;</p> <p>In the winter, low sunshine and wet conditions causing reflection is an extreme hazard on St Johns Avenue between Minters Lepe and The Liddiards</p> <p>Traffic assessment should first be carried out &amp; parking in locality reviewed with increased parking by removal of grass verges in cul-de-sacs</p> | <p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>See section 7 - parked vehicles act to slow traffic</i></p> <p><i>Noted</i></p> <p><i>The scale of development does not warrant a traffic assessment</i></p>                         |
| <p><u>Overdevelopment</u><br/>why build on such a limited space? pure money making not benefiting the area; plenty of open spaces to build new properties; street designed for original number of houses and 1 more too much</p>                                                                                                                                                                                                                                                                                                                        | <p><i>The application must be determined on its merits - see section 7</i></p>                                                                                                                                                     |
| <p><u>Character of area</u><br/>always appreciated that this housing estate has open green spaces</p> <p>Other generous corner plots have extensions that do not encroach on the layout of this green estate</p> <p>Will not enhance the area &amp; not utilising a bland unused piece of land - currently a private screened garden</p> <p>Will change our view and block openness of areas along St John's Avenue</p> <p>Out of keeping with openness of area</p>                                                                                     | <p><i>Noted and agreed, those grass verges and spaces would be unaffected</i></p> <p><i>Noted</i></p> <p><i>Noted - see section 7</i></p> <p><i>There is no right to a view under planning law</i></p> <p><i>See section 7</i></p> |
| <p><u>Noise</u><br/>will cause undesirable &amp; excessive long term noise</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><i>See section 7 – any noise can be investigated by Environmental Health</i></p>                                                                                                                                                |
| <p><u>Works Disturbance</u><br/>work traffic will cause restricted parking &amp; access<br/>Minters Lepe a quiet cul-de-sac and proposed building will impact daily living</p>                                                                                                                                                                                                                                                                                                                                                                          | <p><i>Any construction disturbance will constitute a temporary disruption only</i></p>                                                                                                                                             |

|                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Grass Verge</u><br>Around 1 Minters Lepe is an eyesore & likely to be parked on during construction making worse                                                                                                                                                                                                                                                         | <i>If damaged HCC would require reinstatement at end of construction</i>                                                                                                                                               |
| <u>Loss of tree</u><br>Large, healthy and mature 50+ year-old sycamore tree in the corner of 1 Minters Lepe and St Johns Avenue cut down for this development                                                                                                                                                                                                               | <i>The tree was not protected and there could lawfully be felled</i>                                                                                                                                                   |
| <u>Historic Precedent</u><br>In 1977 a 5ft wall around 15 The Guelders had to be set back from the path by 2'6" so as not to impede the line of sight to St John's Avenue<br><br>Only ever been one additional house built in area in Liddiards Way which was not close to a busy road;                                                                                     | <i>Noted, but each application must be determined on its merits at the time of decision</i><br><br><i>22A Liddiards Way (on corner with Ardington Rise) - granted planning permission under 93/58001 in March 1993</i> |
| <u>Inaccuracies in D&amp;A Statement</u><br>Misspelt road names & annotation of photos wrong and are misleading                                                                                                                                                                                                                                                             | <i>These have been corrected</i>                                                                                                                                                                                       |
| <u>Advertising of application</u><br>No notices displayed and some residents in Minters Lepe did not receive a letter                                                                                                                                                                                                                                                       | <i>One site notice was displayed and neighbour notification was carried out in accordance with the Council's Statement of Community Involvement</i>                                                                    |
| <u>On Amended/additional Details</u><br>revised information offers nothing new                                                                                                                                                                                                                                                                                              | <i>Topographical survey &amp; levels information provided</i>                                                                                                                                                          |
| <u>Support</u><br>A great idea - two parking spaces at the rear of the property so won't affect anybody out the front. And there is no traffic out the back to complain. Also being only one property being designed and built can't see it taking longer than 6 months so not bothered by this as we all will be open to welcoming new neighbours In the Minters Lepe area | <i>Noted</i>                                                                                                                                                                                                           |

## **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) Highway Safety and parking
- (v) Trees and Biodiversity
- (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 management criteria. The Council's Five-Year Housing Land Supply, Updated at March 2023, indicates the Borough's housing land supply position as 1.81 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 adverse impacts that would significantly and demonstrably outweigh the benefits. It is accepted that the proposal for one additional dwelling, within the main urban area of Waterlooville, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

7.3 Current policies AL2 and CS17 direct development towards the built up urban areas, and encourage making the most effective use of land; and policy CS9 supports housing that achieves a suitable density that respects the surrounding landscape, character and built form. Policy CS16 seeks High Quality Design that respects its local context, and policy CS11 protects the Borough's landscapes and policy DM8 protects local habitats and trees. These policies align with National Planning Policy Framework (NPPF) and should therefore be afforded weight in the determination of the application, as detailed below.

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

7.4 The properties in the vicinity of the application site, that lie to the south-west of St John's Avenue, are all generally terraced having rear accesses with very modest rear gardens. The proposed dwelling follows the pattern of development by proposing a dwelling of near identical proportions and design. The only difference would be the width of the dwelling - all the others in Minters Lepe are 6m wide and the proposed dwelling would be 5.4m. It is considered that this marginal reduction in width would not be significant or visually obvious in street scene terms. The overall massing, building lines, building depth and rhythm of development would all be respected and appropriate to the character of the area, as required by clause 1 of policy CS16.

7.5 Due to the slope of the land the proposed dwelling would be set 0.5m lower than 1 Minters Lepe and this step down is also considered visually appropriate. Others in the row of Minters Lepe have this same step down.

7.6 The site is noted as being on the outward, concave, bend in St John's Avenue and therefore potentially more visually prominent in long distance views. However, this impact is only slight and the wide grass verges along St John's Avenue contribute to the spacious setting of the site. Third party comments note the effect on the openness of the area and loss of views, but there is no right to a private view. Whilst there is no doubt that the additional dwelling would add more bulk to the terrace in which it is situated, nevertheless the additional 5.4m width of development is not considered to erode the open character of the area so significantly to cause demonstrable harm to the character and appearance of the area. It is not considered that the proposed dwelling would be unduly prominent or harmful to the long distance views along St John's Avenue.

7.7 The boundary fence on the perimeter of the site would be reduced to create the 2 parking spaces and adjacent to these a small landscaping strip is proposed, which would improve the setting of this prominent roadside site. In terms of materials, red brick and brown

concrete tiles are proposed with grey UPVC cladding. Whilst the majority of the dwellings in the area still have their traditional dark tile hanging, there are some examples of grey cladding, so this is not considered inappropriate per se. Most windows in the area are still white. A materials condition could be imposed to ensure the grey cladding and window colours are appropriate to the wider area.

- 7.8 In terms of density and garden area, the adopted Borough Design Guide SPD does require 10m rear garden depths for new development, but policy CS16 also requires development to respect its context and the character of the area. The existing dwelling at 1 Minters Lepe would be left with a garden equivalent to the others immediately adjacent. Notably the rear fence alignment is set halfway down the side of the garage so the full length of rear curtilage is not used as private garden space. This pattern is repeated on other plots.
- 7.9 Due to the provision of 2 on site parking spaces at the rear, the proposed private garden for the new dwelling would only be about 6m deep, but it would have a maximum width of 8m. Being the end plot, the proposed dwelling would benefit from the extra width and side garden, further increasing the amount of amenity space available for the proposed dwelling. Overall, the private garden space available to the proposed dwelling is considered comparable to other private garden sizes in the vicinity and adequate for future occupiers. To prevent any future large extensions eroding the private amenity space available it is recommended that permitted development rights are removed for any future Class A extensions or Class E outbuildings on the site.
- 7.10 Overall, the design and appearance of the proposed dwelling is considered appropriate to the host dwelling and row of terraced dwellings in Minters Lepe and would result in a pattern of development that respects the character of the area. Therefore, the proposal is considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.11 Due to the proposed building respecting the front and rear 'building line' then there would be no loss of outlook, overlooking or overshadowing effect on the occupiers of 1 Minters Lepe. No first floor side windows are proposed in the gable end, and there would be no perception of being overlooked by properties on the opposite side of the road, which in any event are adequately separated from the proposal. There are no other immediate neighbours that would be directly affected by the proposed dwelling.
- 7.12 Whilst third party comments note the potential for disturbance during construction, this is not a direct planning amenity consideration - it is accepted that all development can result in some construction disturbance, but this is normally short term and if it becomes a nuisance in terms of noise, dust, hours of working etc, can be investigated by Environmental Health under their separate legislation.
- 7.13 In terms of adequacy of amenity for future occupiers, whilst the garden does not meet the Borough Design Guide 10m minimum, as noted above, it is compatible with other dwellings in the immediate vicinity. Arguably it would have a greater garden area than some as it benefits from the additional side land. As a 3-bed dwelling it is likely to be a family home, but it is considered that the garden space available would be sufficient to provide for a sitting out area, washing lines, bike storage etc to meet the needs of future occupiers.
- 7.14 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to

the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Highway Safety and parking

- 7.15 The proposed 3 bed dwelling requires 2 on site parking spaces to meet the adopted Parking SPD. These are provided at the rear of the site and accessed off the rear service road. Therefore, in terms of parking provision the proposal meets the Parking SPD and policy DM13. The host dwelling at number 1 is outside the red lined application site and therefore not part of the application or consideration, but there would be no reduction in parking provision for this dwelling as a result of the proposal.
- 7.16 Hampshire Highways note that as a proposal for one dwelling using an existing access then there is no objection in principle to the proposal - there would be no significant impacts on the highway network in terms of capacity and congestion from just 1 additional dwelling. However, third party comments all note local highway safety concerns due to the bend in the road and on street parking, creating a blind corner with limited visibility and accidents.
- 7.17 In light of these comments raised, Hampshire Highways reviewed the proposal again and their comments. They note that visibility splays of 2.4m x 43m would be required from the rear access road onto St Johns Avenue and that these can be provided to the west, but to the east is slightly compromised by the road alignment and presence of the existing boundary fence around 1 Minters Lepe. The existing fence acts as an obstruction to visibility, slightly limiting visibility to the right, but the fence line is unaffected by the proposal and the proposed building bulk of the new dwelling itself would not make matters worse.
- 7.18 It is noted that there are no double yellow lines limiting parking on St John's Avenue and as such vehicles do park legally on the road, and on the bend outside and opposite the application site. Local residents contend that this makes driving along this bend and part of St John's Avenue hazardous. Hampshire County Council have reviewed the Hampshire Constabulary Personal Injury Collision Data and there have been no recorded incidents in the last 10 years. Furthermore, they advise that arguably the presence of parked vehicles on the highway acts to slow traffic.
- 7.19 It is also noted that the area is characterised by particularly wide grassed verges which are all part of the adopted highway. As such these wide verges contribute to the visibility available for drivers in St John's Avenue and its junctions.
- 7.20 Overall Hampshire County Council note that the proposed development would not alter the visibility available at the junction of the rear access road with St John's Avenue, and as a proposal for just 1 additional dwelling, they cannot support a reason for refusal based on highway safety grounds.
- 7.21 Third party comments also note that manoeuvring into and out of the rear parking spaces at the rear would be tight and dangerous. However, the plans do show that there would be a 6m 'aisle width' available behind the spaces by virtue of the taper of the site and the access road width. This would be sufficient for vehicles to reverse and turn into the access way and approach the junction with St Johns Avenue in a forward gear.
- 7.22 Overall it is considered that there would be no severe harm to highway safety or to the road network sufficient to refuse the development, and the parking does comply with policy DM13 and the adopted parking SPD.

(v) Trees and Biodiversity

- 7.23 It is acknowledged that a mature tree was felled on the site before this application was

submitted, however consent was not needed to do so as it was not a protected tree. The application was also submitted before Biodiversity Net Gain became a requirement.

(vi) Compliance with Habitats Regulations

- 7.24 The proposal would result in the net gain of one, three 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 3 bedroom dwelling.
- 7.25 Using Natural England's updated Methodology in January 2024, 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.
- 7.26 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £941.75 to address the potential recreational harm from the new development. Therefore, it is considered that the 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, April 2023, 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 £3,304.30 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.
- 7.27 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

- 7.28 The development is CIL liable for the net additional internal floor space, which amounts to 85sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council in 2013 and the levy to be charged for this development would be £80 + indexation per square metre on new floor space. The net gain in floor space amounts to 85sqm which results in a Liability of £11,566.07. 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 adverse impacts that would significantly and demonstrably outweigh the benefits. The provision of 1 additional dwelling would contribute to the Borough's housing need and

represents a modest benefit. There would also be economic benefits arising from the construction and future spend of occupants; and a social benefit from the provision of a new household in an established residential area in a sustainable location. It is considered that there are no identified adverse impacts arising from this development that would outweigh these benefits and therefore the tilted balance benefit of this development 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.

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## 9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00117 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:

Design & Access Statement by NA Palmer Design LTD Rev B dated 17004024  
Occupancy Calculator  
Nitrogen Budget  
Topographical Survey Drawing Number 1078-SV-1  
Block and Location Plan - Drawing Number 10535-PL-01 Rev D  
Proposed Site Plan and Cycle Store - Drawing Number 10535-PL-03 Rev C  
Proposed Floor Plans - Drawing Number 10535-PL-03 Rev C  
Proposed Elevations - Drawing Number 10535-PL-04 Rev B

**Reason:** - To ensure provision of a satisfactory development.

- 3 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.
- 4 The car parking, servicing and other vehicular access arrangements, and cycle storage, as shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.  
**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to the first occupation of the hereby approved dwelling, details of the planting for the landscaped strip in the north-west corner of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the sizes, species and number of plants to be planted, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any shrub or plant which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

**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 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Schedule 2, Part 1, Classes A or E shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

**Reason:** To avoid any overdevelopment of the site in the interests of retaining sufficient private amenity space for future occupiers, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD 2011, and the National Planning Policy Framework.

7

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.

- 8 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.

**Appendices:**

- (A) Location Plan
- (B) Existing Block Plan
- (C) Proposed Site Plan
- (D) Proposed Floor Plans
- (E) Proposed Elevations