
Site Address:	Land adjacent to 2 St Michaels Road, Havant, PO9 3TT		
Proposal:	Proposed new dwelling with widen access		
Application Type:	Full Planning Permission		
Application No:	APP/22/00665	Expiry Date:	03/10/2022
Applicant:	Mr McDonald		
Agent:	Mr Flint	Case Officer:	Joseph Toole
	Chris Flint Ass Ltd		
Ward:	Barncroft		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a two storey an end of terrace property, located to the south side of No.2 St Michaels Road. The property comprises of brickwork and roof tiles. Vehicular access is from St Micheals Road, with parking to the front and side. The property has a long garden, larger than the other properties in the area.
- 1.2 The character of the area comprises of two storey terrace houses, with a public house to the south.
- 1.3 The application site is rectangular in shape with a minimum width of approximately 11.5 metres and a depth of approximately 36 metres.
- 1.4 The site falls within Flood Zone 1 and would remain so in 2115.

2 Planning History

08/70200/000 - Pitched roof two storey side extension with integral garage.,
PERM,20/05/2008
APP/12/00320 - Alterations and two storey pitched roof side extension and front
hardstanding. , PERM,11/06/2012
50/00892 - for the erection of dwelling houses and the installation of roads and
sewers, UNK,08/05/1950

3 Proposal

The proposal is for a new dwellinghouse to the south side elevation of No.2 St Micheals Road. It would be a two storey end of terrace property, with a single storey element, providing 3 bedrooms with 2 car parking spaces to the front. 2 parking spaces would also be provided for 2 St Michaels Road.

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)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
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Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Pamela Crellin - Barncroft

No Comment.

Councillor Yvonne Weeks - Barncroft

No Comment.

Developer Services, Southern Water - No Objection

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

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

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

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

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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

SouthernWaterPlanning@southernwater.co.uk

Officer Comments

The Council's Civil Engineer commented regarding the potential soakaways.

Environmental Health Manager, Community Group - No Objection

I refer to the above consultation request for this outline application under the Town & Country Planning Acts passed to this Service for comment.

In regard to this application, I can advise this office has no objection in principle to a development of this nature on this site.

However, as this proposed dwelling would be constructed adjacent the boundary of an existing public house premises, I wish to request that, should the Local Planning Authority be minded to approve this application, that the following condition(s) be imposed, and informatives be added to any favourable decision notice:

Condition 1: The applicant to ensure that all acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB LAeq,16 hour and at night (23:00 to 07:00) 30 dB LAeq,8 hour for bedrooms. Similarly for traditional external areas that are used for personal amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq with an upper guideline value of 55 dB LAeq in noisier environments.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels.

Informatives:

Regarding Hours of Work:

You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 – 18.00 and Saturday: 8:00 – 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Regarding Bonfires:

You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of nearby residential properties from smoke pollution.

Regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.

This is in order to protect the occupants of nearby residential properties from dust pollution.

Regarding external lighting: You are hereby advised to ensure that if any external floodlighting or other form of external lighting scheme is to be installed in connection with this development, that it shall not cause a light nuisance issue to any neighbouring property. If you should have any queries in this regard you are asked to contact the Environmental Health Pollution team, at Havant Borough Council.

This is in order to protect the occupants of nearby residential properties from light disturbance / nuisance.

Nutrient Team - No Objection

I can confirm there is sufficient capacity within the Council's strategic mitigation scheme to accommodate the proposed development.

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/>

Natural England - No Objection

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

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

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

Your appropriate assessment dated 03 October 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

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

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Further Advice

Nutrient Budget – Bespoke Occupancy Figure

We note that an alternative occupancy figure has been used in the nutrient budget calculation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority.

Natural England's advice is to take a precautionary approach that recognises the uncertainty.

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

Portsmouth Water Company - No Objection

Portsmouth Water have reviewed the application and associated documents for APP/22/00665 and have no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission

Hampshire Highways (1) - Further Information Required

Proposed new dwelling with widen access

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

The Highway Authority require further clarification on the widening of the existing access. The full length of the proposed extension should be provided which should include the length of the existing dropped kerb.

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. Details of this procedure can be found via the following link: [Apply for a vehicular access | Hampshire County Council](https://hants.gov.uk/apply-for-a-vehicular-access) (hants.gov.uk). It is important to note that if there are any minor utility diversions that are required to facilitate the dropped kerb then additional costs may arise in addition to the initial application fee. The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled.

Having regard to the above, the Highway Authority require the further information requested before a formal recommendation can be made.

Hampshire Highways (2) - No Objection

Thank you for your reconsultation on the above planning application. The Highway Authority wish to make the following comments.

The applicant has confirmed that the full length of the extended dropped kerb will be 9.414m.

The applicant is reminded 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. Details of this procedure can be found via the following link: [Apply for a vehicular access | Hampshire County Council \(hants.gov.uk\)](#). It is important to note that if there are any minor utility diversions that are required to facilitate the dropped kerb then additional costs may arise in addition to the initial application fee. The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled.

Having regard to the above, the Highway Authority provide no objections to this planning application.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

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

Recreational Pressure

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

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

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

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

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages.

7.1 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 on residential amenity
- (iv) Impact on neighbouring public house
- (v) Access and Parking
- (vi) Drainage
- (vii) Community Infrastructure Levy

(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.
- 7.3 It is noted that the Council's Five Year Housing Land Supply Update (November 2021) shows that the Borough has 3.9 years housing land supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Significantly, the proposal would result in the provision of a single dwelling which is recognised as making a small contribution to the Council's housing need and should be afforded weight in the overall planning balance accordingly.

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

- 7.4 The proposed new dwellinghouse would be located at the end of a row of terraces. It would have brickwork and roof tiles matching the other terraces properties. A samples of materials condition is recommended. The proposed new dwellinghouse would be the same size and height to the other properties along the terrace, thus appearing inkeeping with the character of the area.
- 7.5 The proposed new dwellinghouse is considered to be located within a suitably sized plot with sufficient amenity space, meeting the Havant Borough Design Guide SPD.
- 7.6 Overall, the design and appearance of the proposal is deemed appropriate in context to the character of the area and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact on residential amenity

Impact on existing residential amenity

- 7.7 In terms of the proposal impact on the adjoining property No.2 St Micheals Road it would involve blocking up 3 existing side windows. On the ground floor the window serving the porch would be blocked up which is not considered to have a harmful impact. The ground floor window serving the kitchen/dining room would also be blocked up which would reduce the light into this room however it abuts the single storey rear extension which have doors with glass opening out onto the rear garden allowing light through. Therefore, it is considered to be acceptable. Furthermore, the landing window on the first floor would be blocked up which is not considered to have a harmful impact on the occupiers of No.2. It is worth noting other properties within the street scene have this configuration currently.

- 7.8 The proposed additional dwellinghouse would reduce the amenity space for the occupiers of No.2. However, there is sufficient amenity space remaining to be considered acceptable according to the Havant Borough Design Guide SPD. The proposed dwellinghouse would not extend out beyond the existing rear wall of No.2 therefore it is not considered to appear overbearing or result in the harmful loss of light to No.2. There would be first floor rear windows within the new dwellinghouse which are considered to create views already established within the residential area and as expected with terrace housing thus not deemed to cause harmful overlooking.
- 7.9 Due to the removal of the side access any refuse would have to come through the house. This is not ideal however it is not a significant issue to warrant a refusal.
- 7.10 The existing car parking area would be replaced by the proposed dwellinghouse. Due to the proposed access alterations two car parking spaces would be provided to the front of the property. This is considered to satisfy the Havant Borough Parking Standards SPD.
- 7.11 To the front there would be a door and window within the proposed dwellinghouse. These would face out onto the public highway and front gardens of the properties opposite. As a result, it is not considered to cause harmful overlooking.
- 7.12 To the rear there would be bi-folding doors within the kitchen and first floor windows serving a bathroom and bedroom. Due to the separation distance from the properties to the rear it is not considered to cause harmful overlooking, meeting the guidelines set out within the Havant Borough Design Guide SPD.
- 7.13 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact No.2 St Michaels Road meeting the requirements of Policy CS16 of the HBLP (Core Strategy). However, to bring under control any future extensions to the proposal, it is recommended that permitted development rights be removed.

Impact on future residential amenity

- 7.14 In terms of the living conditions for future occupiers of the proposed dwelling, the proposed Gross Internal Area accords with the Government's Technical housing standards - national described space standard and is considered to be acceptable for a 3 bed, 4 person dwelling with an adequate rear garden. There would be a refuse cycle store located to the rear of the property. The applicant's agent confirmed there would be no side access therefore any refuse would need to come through the house. This is not ideal however it is not a significant issue to warrant a refusal.
- 7.15 Overall, it is considered that the proposed dwellinghouse would be acceptable for its future occupiers and would not have an adversely negative impact on the neighbouring properties, having regard to Policy CS9 and CS16 of the Havant Borough Council Core Strategy (2011). It is noted no letters of objection were received with respect to the scheme.

(iv) Impact on neighbouring public house

7.16 To the south of the proposed new dwellinghouse is a Public House. There would be two ground floor windows within the dwellinghouse serving a W/C and utility room. These views would be screened by the existing 1.8 metre high fencing along the boundary, thus not considered to cause harmful overlooking. At first floor level there would be a side window serving the landing. The views would face out onto the car parking on the Public House, thus not considered to cause harmful overlooking. Furthermore, due to the separation distance from the Public House it is not considered to appear overbearing or result in the harmful loss of light.

7.17 Due to the proposed dwellinghouse's close proximity to the existing public house premises, Environmental Health were consulted. They raised no objection subject to noise condition and informatives. This condition has been amended with the external noise restrictions being recommended as an informative. This is because it is not considered to satisfy the tests for conditions.

(v) Access and Parking

7.18 Access would be from St Michaels Road with parking to the front. Two car parking spaces would be provided to the front with the number and size requirements outlined in the Havant Borough Parking Standards SPD, thus deemed acceptable. Hampshire Highways commented on the application raising no objection. An informative is recommended to be added to the decision regarding applying to HCC for a dropped kerb, if permission is granted. As previously mentioned No.2 would provide two car parking spaces to the front of the property. This would satisfy the Havant Borough Parking Standards SPD.

(vi) Drainage

7.19 Southern Water commented on the application stating the Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. This was passed on Building Control Team who did not comment. However, the Council's Engineering Team has responded. That said, this would fall under the remit of Building Control. An Informative is recommended if permission is granted.

7.20 Portsmouth Water commented on the application raising no objection.

(vii) Community Infrastructure Levy

7.21 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant.

7.22 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable, and the appropriate forms have been submitted. The proposed total gross floor area would be 97 sqm. which would generate a total CIL liability of £11,501.43. The applicant has not claimed relief, assuming liability.

8 Conclusion

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

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00665

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan and Elevations
Design and Access Statement
Proposed Access Plan

Reason: To ensure provision of a satisfactory development.

- 3 The applicant to ensure that all acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB LAeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels.

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

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

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

- 7 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