
Site Address:	78 Durley Avenue, Waterlooville, PO8 8UZ		
Proposal:	Proposed 1No. detached 5 bed dwelling.		
Application No:	APP/21/00452	Expiry Date:	11/06/2021
Applicant:	Mr Nelson		
Agent:	Miss Roberts	Case Officer:	Graham Speller
	Critchley Architecture and Design Ltd		
Ward:	Cowplain		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site comprises a two storey detached dwelling house with attached double garage.
- 1.2 The site is accessed by a relatively long drive leading to Durley Avenue at a bend in the road.
- 1.3 The surrounding area is residential in character.

2 Planning History

10/72473/000 - Erection of two dwellings after demolishing existing garage., UNK,

3 Proposal

- 3.1 Proposed 1No. detached 5 bed dwelling with integral double garage. The design would incorporate a catslide roof to the southern side and also a small crown roof.

4 Policy Considerations

National Planning Policy Framework 2021
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)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from

AL2 Residential Development)
(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22 (Amenity and pollution)
DR1 (Delivery of Sustainable Development)
E1* (High quality design)
H1* (High quality new homes)
E12 (Low carbon design)
E16 (Solent Special Protection Areas)
E14 (The Local Ecological Network)
IN3 (Transport and parking in new development)
E18 (Trees, hedgerows and woodland)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

I have no objection in principal to the proposal. The trees to be removed are poor quality specimens which are not suitable to be TPO'd.

There are however slight discrepancies between the tree protection plan and proposed site plan - the proposed site plan shows parking spaces where trees are shown for retention. This should be updated one way or another so there is no confusion as to what is staying.

Also how are services being connected? Are there new services being installed?

Building Control

No comments received.

Community Infrastructure, Planning Policy & Urban Design

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

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

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

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

Councillor A Briggs - Cowplain

No comments received.

Councillor D Keast - Cowplain

No comments received.

Councillor Narinder Bains - Cowplain

No comments received.

Countryside Access Team

Public Rights of Way are unaffected by the proposals. We therefore have no objection.

Crime Prevention -Minor Apps

No comments received.

Environment Agency

No comments received.

Hampshire Highways

As the application is for 5 dwellings or less and features no amendments to the access onto the highway, HCC's standing advice should be referred to in the first instance.

The Highway Authority will therefore not provide detailed comments on the proposed development.

Natural England Government Team

Thank you for your consultation on the above dated 17 September 2021 which was received by Natural England on the same date.

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 17 September 2021, 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. Provided that your authority is assured and satisfied that the budget calculations are suitably precautionary and accurately reflect the proposal, then Natural England raise no concerns with regard to the nutrient budget. We

recommend a condition that secures the water use of 110 litres per person per day.

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

Nutrient Team, Planning Policy

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme for this development

Open Space Society

No comments received.

Portsmouth Water Company

Thank you for re-consulting Portsmouth Water on this application, we have reviewed the soakaway specification and have no adverse comments from a groundwater quality perspective.

Public Spaces

No comments received.

Waste Services Manager

No comments received.

Developer Services, Southern Water

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

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

- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer.

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

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: 11

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 3

3 letters of objection have been received raising the following concerns:

- More noise
- Restriction of light to garden
- Traffic levels at this corner already creates concern
- Blind and dangerous corner
- Overlooking and loss of privacy
- Possible damage to hedge
- Construction noise
- Dust during construction could affect health
- Workers vans and delivery lorries will present significant hazard to road users
- Doubt there is sufficient parking space on site

7 Planning Considerations

Appropriate Assessment (AA)

- 7.1 As a proposal resulting in new residential accommodation, 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 Regulations 2017 (as amended). 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 as it has now been established that the site actually lies beyond a 5.6km of Chichester & Langstone Harbours SPA/Ramsar there would be no significant effect to the Chichester & Langstone Harbours SPA due to increased recreation. However, there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to the decrease in water quality that would be a result of the proposed development.
- 7.2 The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has entered into a legal agreement to secure the mitigation package.
- 7.3 The Appropriate Assessment concluded that the mitigation package is sufficient to remove the significant effects on 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 original assessment. However, as noted above, it has been established there would be no significant effect to the Chichester & Langstone Harbours SPA due to increased recreation. The HRA/AA has been revised accordingly and as noted above, Natural England was reconsulted and raise no objection.
- 7.4 The applicant has also submitted a water calculation demonstrating that no more than 110 litres of water per person per day can be achieved.
- 7.5 Having regard to the relevant policies of the development plan it is considered that the

main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Access and parking
- (v) Drainage
- (vi) Impact on trees
- (vii) Compliance with Habitats Regulations
- (viii) CIL

(i) Principle of development

- 7.6 The application site is situated within an urban area where further development is considered acceptable in principle, subject to other material considerations. The NPPF supports sustainable development with three aims: the economic; social; and environmental objectives. Havant Borough Council's development plan comprises the Hampshire Minerals and Waste Plan; the Local Plan (Core Strategy) 2011 and the Local Plan (Allocations) 2014 and in accordance with paragraph 12 of the NPPF decisions should be made in accordance with the development plan.
- 7.7 The Council submitted its Havant Borough Local Plan, for examination in February 2021 and the Stage 1 Hearings have taken place. Until adoption the policies within the Submission Local Plan have limited weight. The emerging policies do however indicate the Council's direction of travel.
- 7.8 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 one 5 bedroom dwelling which is recognised as making a very 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

- 7.9 The site is surrounded by mainly detached residential development, and whilst the proposed dwelling would not have a direct frontage to Durley Avenue, this reflects the siting of the existing dwelling. As such the proposed dwelling in terms of its siting is considered to relate satisfactorily to the existing dwelling and the adjacent dwellings.
- 7.10 The height and scale of the proposed dwelling would be similar to the existing property.
- 7.11 The design incorporates a small crown roof element. Whilst this would not be the same as the existing property, which has a full pitched roof, it is considered that such a design feature would not be readily apparent. In addition, the siting of the proposal is such that it would not have a road frontage.
- 7.12 The design and appearance of the proposal is deemed appropriate in context to the existing dwelling and adjacent properties and is therefore considered acceptable. It is

considered that the proposed development would be in keeping with the character and appearance of the area and accord with Policy CS16 of the Havant Local Plan (Core Strategy).

- 7.13 The proposed layout also provides a rear garden depth of 10m in accordance with the Borough Design Guide SPD and would provide adequate useable private amenity space for future occupiers. It would also retain adequate amenity space for the existing dwelling.

(iii) Impact upon residential amenity

- 7.14 In terms of providing adequate amenity space for future occupiers of both the existing dwelling and proposed dwelling, the adopted Borough Design Guide SPD recommends useable rear garden lengths of 10m. It is noted that this would be satisfied for both the existing and the proposed dwellings and that both dwellings would be served by adequate garden provision/amenity area.

- 7.15 There would be a back to back distance of 20.8m to the property to the rear. Whilst the representations are noted, it is considered that the proposal will not appear overbearing or lead to any significant overlooking to adjacent properties. As such, it is considered that the proposal would have limited and acceptable impact on the properties immediately adjacent to the site, compliant with Policy CS16 of the Havant Local Plan (Core Strategy).

(iv) Access and parking

- 7.16 The proposed development would use the existing driveway that serves the existing dwelling, and no new vehicular access will be created.
- 7.17 The proposed development would be a 5 bedroom house and therefore 3 parking spaces are required. The proposed site plan illustrates that both the existing dwelling and proposed additional dwelling would be served by an appropriate level of parking in accordance with the parking SPD and the requirements of Policy DM13 of the Havant Local Plan (Core Strategy).

(v) Drainage

- 7.18 Following a request from Portsmouth Water, additional information was provided by the applicant regarding the siting and design of a soakaway. As noted above, Portsmouth water were satisfied with the additional details.
- 7.19 As noted above, Southern water have made comments regarding both the foul and surface water sewers within the vicinity. However, the surface water sewer is located some distance away to the north and would not be affected by the development. In addition, the foul water sewer is located to the eastern boundary of the site adjacent to the access drive and would also be unlikely to be affected. The applicant also provided details of the location of a proposed soakaway and this is sited a significant distance from the public sewers.

(vi) Impact on trees

- 7.20 Following comments by the tree officer the plans have been corrected to accurately show trees to be retained/removed.

- 7.21 As noted above, the tree officer is satisfied that trees to be removed are of poor quality.
- 7.22 The submitted arboricultural assessment states that no new services are proposed to be installed within the RPA's of the retained trees growing at the site.

(vii) Compliance with Habitats Regulations

- 7.23 As a proposal resulting in new residential accommodation, 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 Regulations 2017 (as amended). 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 as it has now been established that the site actually lies beyond a 5.6km of Chichester & Langstone Harbours SPA/Ramsar there would be no significant effect to the Chichester & Langstone Harbours SPA due to increased recreation. However, there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to the decrease in water quality that would be a result of the proposed development.
- 7.24 The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has entered into a legal agreement to secure the mitigation package.
- 7.25 The Appropriate Assessment concluded that the mitigation package is sufficient to remove the significant effects on 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 original assessment. However, as noted above, it has been established there would be no significant effect to the Chichester & Langstone Harbours SPA due to increased recreation. The HRA/AA has been revised accordingly and as noted above, Natural England was reconsulted and raise no objection.
- 7.26 The applicant has also submitted a water calculation demonstrating that no more than 110 litres of water per person per day can be achieved.

(viii) CIL

- 7.27 The proposed development would also be subject to the Community Infrastructure Levy. However, the applicant has submitted a self build relief which the Council has acknowledged.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and the character of the area and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application

APP/21/00452 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:

20071-101A - LOCATION AND BLOCK PLAN

20071-110A - PROPOSED SITE PLAN

20071-410A - PROPOSED FLOOR PLANS

20071-510A - PROPOSED ELEVATIONS

20071-511 - STREET SCENE

20071-111 - SURFACE WATER SITE PLAN

SOAKAWAY DESIGN DATED 22/7/21

Reason: - To ensure provision of a satisfactory development.

- 3 The development shall be carried out in the following materials:

Walls – Ibstock Ashdown Bexhill Dark Stock Brick

Roof – Old English Dark Red Marley Tiles

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

- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extension or outbuilding permitted by Classes A, AA, B, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the immediate locality and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 No soakaways, swales, ponds, watercourses or any other surface water

retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

Reason:

To safeguard against undue damage to the surface water sewer in the vicinity of the site in accordance with CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 6 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 7 The development must be undertaken in accordance with the Arboricultural Method Statement and Tree Protection Plan dated 12 March 2021 and supplied by Fallen & Found Arboricultural Ltd.

Reason: To protect the conservation and enhancement of existing natural features. and having due regard to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The car 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.