
Site Address:	34 Havant Road, Emsworth, PO10 7JG		
Proposal:	Erection of 4 No. 3bed. bungalows and Fell 3 No. 'U' Category TPO Trees		
Application No:	APP/21/00774	Expiry Date:	16/09/2021
Applicant:	Mr Mandiwall		
Agent:	Ms S Roberts	Case Officer:	Lesley Wells
	Critchley Architecture And Design (CAAD) Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

34 Havant Road is a large detached property that lies on the south side of the road, with a large garden to the rear. 34 Havant Road is on the list of Local Buildings of Historic Interest and is therefore classed as a non-designated heritage asset. The existing site was used as a Dialysis Treatment Centre and Holiday Home until April 2021 when the Charing Cross Hospital Dialysis Holiday Home Ltd sold the site to move premises.

As to the existing large detached property, permission is also being sought under reference APP/21/00498 for 'Change of use from a holiday home for the Charing Cross Holiday Dialysis Trust to C3 dwellinghouse with ancillary annex (no internal alterations).' At the time of writing this report, a decision is outstanding.

There is an existing access off the A259 Havant Road, with a large forecourt parking area in front of the principle building.

There is a detached building directly behind (south) of the principle building which contained the medical centre for patients undergoing dialysis treatments.

To the rear of the site is a large maintained garden, with swimming pools and solar panels, which is approximately two thirds of the application site.

The area immediately surrounding the subject site is entirely residential. Nearby properties are mainly two storeys with a mixture of materials (brick, render, cladding and tile hanging).

The site lies within Flood Zone 1 with the applicant stating it would remain in this category in the year 2115. The size of the plot is approximately 0.36 ha.

2 Planning History

90/50553/001 - Reduce/remove lower limbs overhanging adjacent property reduce height by approximately 10ft and reshape crown on Oak covered by TPO 1395,

ZHIS,03/04/1990

99/50553/006 - Replacement of existing Dialysis Treatment Unit to rear of property, PERM,23/03/2000

98/50553/005 - Removal of the eastern stem, crown raise up to 5 metres, reshape the crown's radius by 1.5/2 metres and reduce the height by 2 metres of an Oak tree (T2) in the rear garden subject to TPO 1524, PERM,07/12/1998

97/50553/004 - Raise crown to 5 metres, remove lowest limb to west and remove all epicormic growth with: Oak tree overhanging 11 Kingsley Avenue (Th of TPO 1395), PERM,23/04/1997

94/50553/003 - Raise to am & reduce by 20% thin by 30% and balance crown of Oak T2 - Raise to 5m, reduce by 30% and thin by 20% crown of Oak Th - both covered by TPO 1524., PERM,

92/50553/002 - Erection of car port to east elevation., PERM,

04/50553/007 - Application to crown reduce Oak Tree by 25% subject of TPO 1524., PERM,24/03/2004

06/50553/008 - Application for crown reduction of 15% to western section of the canopy of a Common Oak tree (T2) subject to TPO 1524. , PERM,03/10/2006

APP/13/00224 - Crown reduce No. Oak (Th) by am from top, north, south and west sectors and 2.5m from east sector to original points remove dead, crossing and epicormic branches; subject to TPO 1395., PERM,26/04/2013

APP/14/00537 - Crown reduce No. Oaks (T2, Th) by 1.5m back to previous pruning points, subject to TPO 1524, PERM,01/07/2014

APP/14/00865 - 4.5m Crown reduction to south west aspect and am crown reduction to height of No. Copper Beech tree , WAD,22/08/2014

APP/21/00498 - Change of use from a holiday home for the Charing Cross Holiday Dialysis Trust to Cc dwelling house with ancillary annex (no internal alterations)., Current Application

3 Proposal

The application is for the erection of 4 No. bed. bungalows and the felling of 3 No. 'U' Category TPO trees. The development lies to the rear of 34 Havant Road, with a driveway and turning head along the western boundary. The existing access to the front of the site, would be slightly widened, to facilitate the development, with new gates and piers provided within the plot.

As to the existing site, permission is also being sought under reference APP/21/00498 for 'Change of use from a holiday home for the Charing Cross Holiday Dialysis Trust to C3 dwellinghouse with ancillary annex (no internal alterations).' At the time of writing this report, a decision is outstanding.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
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 Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E20	(Drainage infrastructure in new development)
E2	(Health and wellbeing)
E1*	(High quality design)
H1*	(High quality new homes)
E3	(Landscape and settlement boundaries)
E12	(Low carbon design)
E15	(Protected species)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H2	(Buildings of Local Historic Interest)
ENP_M1	(Cycle Storage Provision)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)
ENP_L1	(General Housing Policy)
ENP_D2	(Height, Mass & Materials)
ENP_L2	(Housing Mix)
ENP_D3	(Layout, Form & Density)
ENP_D7	(Mitigate Light Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist - No Objection - Final Comments

I have no objection to the revised tree planting proposals.

Arboriculturalist - No Objection - Initial Comments.

Three Oaks subject to TPO are shown for removal as part of this application. A detailed report on each of the trees has been provided, and a picus investigation has also been undertaken. The trees have number of defects within the canopy and stems and all have significant internal decay. Given their urban existence it is not considered reasonable or safe to retain these trees in the long term given the risk to people and property. I am therefore in agreement with the findings of the Arboricultural Consultant.

Other shrubs and small trees are shown for removal however they are not of TPO quality. A replacement planting plan has been provided and I agree with the choices for replacement planting. A London Plane at the front of the property, will, in time, replace the lost amenity. Should permission be granted the work must be carried out in accordance with this method statement and tree protection plan and please ensure that a condition is added to ensure the planting of the replacement trees. Should any of the replacements die within a period of 4 years they should be replaced.

Building Control, Havant Borough Council - Final Comment

Site plan amended showing drive way width no less than 3.7m Therefore complies with Approved Document B5 requirements now.

Building Control, Havant Borough Council - First Comment

Building Regulation consent needed for this work

Plots 3 (West) & 4 (East) Elevation should comply with Approved Document B
Unprotected areas distance between two shown as 2m if this lessens then issues will occur

Access to site does not appear to comply with Approved Document B 5 Table 13.1
3.7m between kerbs plan shows 3.5m (not gates) with regards to Fire Authority access reassess including any over hanging obstacles

Community Infrastructure - Comments

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/nitrogendevelopers>

Conservation Officer - No Objection

The Site

The site is a large, detached building set within substantial grounds on Havant Road in Emsworth. The building was constructed in the 1890's and is a building on the list of Local Buildings of Historic Interest and is therefore classed as a non-designated heritage asset. Its description is as follows:

'Originally the Rectory, this imposing flint villa is prominently sited on the Havant Road.'

Most recently the building has been used for medical purposes but has since been

granted permission to revert back into a family home.

Officer Comment: This is a current application

Assessment

The proposal is for the construction of 4no. bungalows within the grounds of the existing house. The garden would be subdivided to still retain a rear amenity space of 20m in depth and no alterations are proposed to the main house itself. The proposed dwellings would be bungalows of a fairly traditional design, using traditional looking materials and would therefore not detract from the character and architectural style of the main house.

Overall, it is considered that as the non-designated heritage asset will remain unchanged and therefore unharmed and still retain an adequately sized rear garden, then no objection is raised.

Conclusion – No Objection

Councillor Julie Thain-Smith

No comment.

Councillor Lulu Bowerman

No comment.

Councillor R Kennett

No comment.

County Ecologist - Final Comment - No Objection

The application is now accompanied by a Bat Roost Assessment (Phillips Ecology, September 2021). Three trees were subject to ground-level assessment and one, Tree 33, was subject to a climbed assessment. The conclusion of these investigations is that all three trees offer low potential for supporting roosting bats. No additional bat survey works are considered necessary and a standard soft felling procedure is recommended. I can confirm that this is acceptable.

If you are minded to grant permission, can I suggest that ecological mitigation measures are secured by condition.

Development shall proceed in strict accordance with the ecological mitigation measures detailed within the Bat Roost Assessment (Phillips Ecology, September 2021) unless otherwise agreed in writing by the Local Planning Authority. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

County Ecologist - 1st Comment - Further Information Required

The application is not accompanied by any ecological information and I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. Whilst the site comprises a standard suburban residential garden, there are a number of mature trees identified for removal. In particular, trees 14, 31 and 33 are described as having significant internal decay following specialist investigation. This internal decay exhibits itself in the form of cavities and deadwood and there are old pruning wounds, all of which may be suitable

for roosting bats.

Given the loss of these three trees I would strongly recommend that they are surveyed for bat roosting potential by a specialist bat ecologist. Following this assessment I will be happy to provide additional comments.

The new dwellings provide an opportunity for embedded ecological enhancements. I would expect each of the new dwellings to incorporate features such as bat and bird boxes.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

Crime Prevention -Minor Apps

No comment.

Engineers Team - Comment

There have been instances of flooding affecting the vicinity of the site in the past, possibly arising from poor or zero maintenance of the public surface water sewer which runs along the western boundary.

Root ingress into the sewer from the trees along the boundary have also not helped. Number 36 was partially flooded in 2000 from what I recall. On that basis an approach was made in 2010(?) to the Environment Agency to change the sewer into a main river (historically it is a piped ditch and these days wouldn't be put into a pipe but kept open to the air), but although originally successful I note from the EA map that it is no longer, and may never have been formally approved as MR.

I have no thoughts on the high ground water, that's an EA issue, although Portsmouth Water might have local data as well. Any groundwater is likely to be partially tidally influenced. There is a layer of running sand about 2 – 2.5m below ground, which if excavated into will be highly unstable.

Hampshire Highways - Final Comment - No Objection

The Highway Authority are satisfied with the further information provided by the applicant. Having regard to this, the Highway Authority provide no objections to the following condition.

The boundary feature must be maintained in perpetuity to ensure that the visibility splay is clear at all times.

Reason: in the interest of highway safety.

Hampshire Highways - 1st Comment - Further Information Required.

The applicant is proposing to erect 4 new 3 bedroom bungalows via an amended access onto Havant Road. The access is proposed to be widened to 6.5m to cater for two-way access into the site, with visibility splays of 45m shown along Havant Road.

It is noted that the eastbound visibility splay appears to clip the neighbouring fence which is also subject to overhanging vegetation. The applicant should provide further information to demonstrate that the visibility splay will be achievable given the widened access and increased use of the access.

Confirmation is required as to whether a refuse vehicle will drive into the site when carrying out refuse collection. Should this be the case, tracking for a refuse vehicle should be provided to demonstrate that the vehicle can turn within the confines of the site and egress in a forward gear.

To deliver the alterations to the access, the applicant should be made aware of the requirement to obtain a Section 184 licence, further details of which are available via the following link:

<https://www.hants.gov.uk/transport/developers/section-184#:~:text=A%20Section%20184%20licence%20permits,t%20involve%20removal%20of%20trees>.

The applicant is required to provide the information noted above before the Highway Authority can make a formal recommendation on the planning application.

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 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

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00774.

Public Spaces

No comment.

Traffic Management Team

The Traffic team have no adverse comment to make.

Waste Services Manager

No comment.

6 Community Involvement

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

Number of neighbour notification letters sent: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 13

Comment	Officer Comment
Highways	
Increase use of Havant Road a highway hazard - bus stop opposite access, near Clovelly Road junction-	See Section 7 below.

accident waiting to happen	
Tree Loss	
Removal of trees environmental & ecological disaster for the surrounding area, at a time such matters are high on the agenda. Oaks appear healthy - trees add to the delights and diversity of Havant Road. Replacement trees should be like for like for those removed - replacement trees should be semi mature and at front of the development to restore tree line. Works to trees should accord with method statement and tree protection plan - condition required to ensure replacement planting Why protect trees and then allow them to be removed? Other trees/shrubs for removal not of TPO quality. Loss of trees a shame - replanting will mitigate this - agree with replacements proposed . Due to defects not safe to retain the trees. Steps should be taken to boost bio-diversity such as deadwood harvested and planting of hedges.	See Section 7 below.
Impact on Area/Amenity	
No objection to bungalows. Confirm site does not flood. Does not appear to block light to the gardens to the west. Site has appearance of a 'large English county garden'	See Section 7 below.
Flooding	
Concerned about loss of trees and introduction of hard surfacing - potential to exacerbate flooding on neighbouring properties - water table already high - could affect the	See Section 7 below.

structural integrity of the land.	
Other Matters	
Proposed bin collection - hazardous to pedestrian.	See Section 7 below.

Total Representations: 13

6 Objections

3 Support

4 Neutral

7 **Planning Considerations**

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 (HRA) 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), Policy E16 of the Draft Havant Borough Local Plan 2036 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.

The applicant has agreed mitigation at Warblington, as outlined in the position statement, in order to mitigate the impact of the developments in terms Nutrient Neutral Development. The mitigation has been secured by a legal agreement.

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) Trees
- (vi) Drainage, Water Efficiency & Flooding
- (vii) Ecology
- (viii) Heritage.
- (ix) Developer Contributions & CIL

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria. The addition of four new bungalows in such a location would make a contribution, albeit a modest one, to the Council's overall housing requirement. The Council, at the time of writing the report, cannot demonstrate a 5 year land supply of housing, which is currently only 3.9 years.

The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the Borough. To support this approach, Policy CS17 of the Havant Borough Core Strategy (2011) (Core Strategy) sets out that development will be permitted that makes the most effective use of land in the borough.

Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form. The supporting text of the policy sets out density thresholds, and in this regard the proposal would represent a low density development at 10 dwelling per hectare on a site of approximately 0.36 hectares.

The adopted Local Plan policies echoes the advice in the National Planning Policy Framework (NPPF).

Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.

Paragraph 124 of the Framework supports development that makes efficient use of land where it takes into account the desirability of maintaining an area's prevailing character. Policies CS17 and CS9 together are broadly consistent with this approach.

The Framework goes further and sets out at Paragraph 123 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that development makes optimal use of the potential of each site.

The principle of making more efficient use of an existing urban site is therefore supported having regard to the surrounding character and built form, albeit that the acceptability of the scheme put forward will turn on consideration of a number of detailed planning considerations as set out below.

It should also be noted that the Council has a Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally, other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

The adopted Emsworth Neighbourhood Plan 2019 - 2026 (ENP) forms part of the development plan, which compliments the respective policies in the Local Plan. The relevant policies in the ENP are: D1, D2, D3, D7, L1, L2, H1, H2 and M1.

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

The immediate area surrounding the site is residential, with two storey houses and chalet bungalows. The site is to the rear of 34 Havant Road, which is not visible from the public realm, with access from an existing driveway.

The proposal comprises of 4, 3 bedroom bungalows, traditionally designed, with a pitched and gabled roof of various designs. This would be reflective of part of the development to the east, albeit this development has smaller rear gardens. (Two storey dwellings are reflective of development to the west.) These properties have a mixture of materials, brick, render cladding and tile hanging.

The materials proposed would be Blue Grey Engineering brickwork, Flake Grey Smooth Render, Marley Cedral Slate Grey cladding, Composite Slate tiles and Grey UPVC Anthracite windows and doors. A condition requiring samples of these materials is recommended.

The scale of the development, having regard to the constraints on the site and the surrounding character and built form, would be an efficient use of the land, whilst safeguarding the environment in accordance with Policies CS9 and CS16 of the HBLPCS, Policy E1 of the Submission Local Plan and Policies D1, D2 and D3 of the ENP.

(iii) Impact upon residential amenity

Existing Occupiers

As to 34 Havant Road this would retain a rear garden of 20m at its widest point. Fencing of 1.8m would be erected along the rear boundary of this property. Due to the separation distance, the fencing and the single storey nature of the proposal, the development would not adversely impact on the residential amenity of the host dwelling.

As to the application site, the boundaries mainly comprise of fencing up to 1.8m in height, with a number of outbuildings on the western boundary. There are also some trees and vegetation along the western and eastern boundaries.

With the exception of Plot 2 the separation distances would fall within the guidelines set out in Havant's Design Guide SPD. As to the back to back separation distances between Plot 2 and 2 Clovelly Road, this would be approximately 15m. The rear

garden to Plot 2, as with all the Plots would be 10m in length, with a rear garden of 2 Clovelly Road approximately 5m. Having regard to the small sizes of rear gardens on the eastern side of the plot, this separation distance is considered appropriate, when balanced against the efficient use of this sustainable site for housing, in accordance with Policy CS9 and CS16 of the HBLPCS and Policy E1 of the Submission HBLP.

The extended driveway along the western boundary should not give rise to a significant level of noise and disturbance to the occupiers of properties along this boundary, due to the separation distance and the low level of anticipated increase in use by vehicular traffic.

Due to the height of the bungalows (approximately 6m), their siting within the plots and the existing boundary treatment, which would effectively screen any overlooking from windows from the development, the proposal would not adversely impact on the residential amenity of neighbouring properties in accordance with Policy CS16 of the HBLPCS 2011 and Policy E1 of the Submission Local Plan 2036.

Future Occupiers

The size of the accommodation exceeds the size standards set out the Government's nationally described space standard and would provide family accommodation, in a sustainable location.

Whilst the internal layout of the bungalows differ, the accommodation would comprise of: kitchen/dining/family area, utility room, bathroom, ensuite and three bedrooms. All the plots would benefit from gardens 10m in length, with a minimum of 1m gaps to the side of each bungalow. There would be car parking within their curtilages, plus visitor car parking.

The proposal is considered to accord with Policies CS9 and CS16 of the HBLPCS 2011 and Policy E1 of the Submission HBLP 2036

(iv) Access and Parking

Access to the site would be via the existing access, which would be widened to 6.5m to cater for two way traffic into the site, with visibility splays of 45m shown along Havant Road. The Highway Authority was consulted and following further information on the visibility splay has raised no objection, subject to a condition relating to the splays. If permission is granted such a condition is recommended.

The access feeds into a new driveway along the western boundary, with gates at the entrance to the development. There would be a turning area to the south of the driveway, under the canopy of a tree, which has not been objected to by the Arboricultural Officer, due to its poor condition.

As to the parking for the development, in total 11 spaces would be provided; two for each bungalow, with three visitor spaces. The host dwelling would have three car parking spaces to the front of the property. Cycle storage would be provided in the outbuilding for each dwelling. Bin storage would also be provided within the curtilage of each plot and there is sufficient room at the front of the site for bin collection not to give rise to hazards to passing pedestrians.

This car parking and cycle storage provided is appropriate for the development and the requirements in the Havant's Car Parking SPD and would accord with Policy DM13

of the HBLPCS, Policy IN3 of the Submission HBLP and Policy M1 of the ENP.

(v) Trees

There are trees along both the western and eastern boundary. Three Oaks subject to a TPO along the western boundary are shown for removal as part of this application. The Arboricultural Officer (AO) has been consulted over the proposal and noted that due to a number of defects within the canopy and stems, with all three trees having significant internal decay and the threat they pose to people and property, has raised no objection to their removal. As to other trees shown to be removed the AO has confirmed they are not of TPO quality. As to a replacement planting scheme, this has been agreed following some changes. Therefore, the AO raises no objection to the proposal, subject to the works being carried out in accordance with the submitted method statement and tree protection plan and that a condition is imposed to secure the replacement tree planting. Such conditions are recommended, which are considered to be appropriate for the development.

The development accords with Policy CS11 of the HBLPCS and Policy E18 of the Submission HBLP.

(vi) Drainage, Water Efficiency & Flooding

The proposal is for the foul sewage to link into the existing mains sewer, with the disposal of surface into existing soakaways, details of which have been provided and according to the agent approved by Building Control.

A Water Efficiency Design State Calculation Report has been submitted for each plot. The target water usage for each Plot is 110 litres/person/day. The proposed water usage is calculated at 109.20 litres/person/day for each plot. This water efficiency standard would accord with Policy E12 of the Submission HBLP and a condition requiring the usage to not exceed 110 litres/person/day is recommended.

The site lies within Flood Zone 1, as does the surrounding residential development, which has a less than 0.1% chance of flooding in any year. Representations have been received regarding the development and the removal of trees and additional hard surfacing on the site which would have the potential to increase flooding off site. As to flooding issues on adjacent sites, this may have possibly arisen from poor or zero maintenance of the public surface water sewer which runs along the western boundary, which is mainly within neighbouring properties. There is no evidence before the LPA, that the development would materially change the flood risk position, with neighbouring properties.

The development accords with Policy CS15 of the HBLPCS and Policies E19 and E20 of the Submission HBLP.

(vii) Ecology

The County Ecologist (CE) has been consulted over the proposal. Following the submission of a Bat Roost Assessment (Phillips Ecology, September 2021), it was found that the trees to be removed offered low potential for supporting roosting bats. In view of this, the CE is content that no additional bat survey work is considered necessary. Subject to the ecological mitigation measures set out in the Bat Roost Assessment are secured by a condition, the CE has no objection to the proposal. This condition is recommended, which should address the ecological issues.

The development accords with Policy CS11 of the HBLPCS and Policies E14 and E15 of the Submission HBLP

(viii) Heritage

34 Havant Road is on the list of Local Buildings of Historic Interest and is therefore classed as a non-designated heritage asset. The Conservation Officer has been consulted over the proposal. As the non-designated heritage asset will remain unchanged and therefore unharmed and still retain an adequately sized rear garden, the CO raises no objection to the proposal.

The development accords with Policy CS11 of the HBLPCS, Policy E13 of the Submission HBLP and Policies L1, H1 and H2 in the ENP.

(ix) Developer Contributions & CIL

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 there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

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 and Mitigation Plan for Nutrient Neutral Development. The applicant entered into legal agreement to secure the mitigation packages, with the mitigation payments received.

The Appropriate Assessment concluded that the avoidance and mitigation packages are 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 assessment. The applicant has entered into a legal agreement to secure the mitigation packages, with the mitigation payments received.

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 Examiner's 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 £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.

The proposal would result in new residential development which is Community

Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in new internal floor space for the dwelling has been calculated by the agent as 510 sqm, which would be £75,816.96. Exemption is not being claimed.

8 **Conclusion**

The proposal would be a modest addition to the Council's housing stock, in a sustainable location, with the necessary mitigation packages provided for the SRMS and for neutral nitrogen development. The development would not adversely impact on the appearance of the area or residential amenity, is acceptable in highway and ecology terms and would not adversely impact on a non-designated heritage asset. The proposal accords with the development plan when considered as a whole and the recommendation is conditional planning permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00774 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:

Proposed Site Location Plan - 410C
Proposed Visibility Splay - 21020-416
Site Plan 21020-101A
Proposed Site Sections 21020-514
Proposed Site Plan Dimensions - 21020 -410D
Proposed Parking & Access Plan 21020 -412A
Proposed Access Gates & Piers 21020 - 425
Proposed Services Plan - 21020 - 414D
Proposed Construction Management Plan - 415A
Proposed Soft & Hard Landscaping - 411
Plot 1 Design Drawing Ground Floor & Roof Plan - 21020 - 421
Plot 1 Design Drawings Elevation Drawings - 21020 - 521
Plot 2 Design Drawing Ground Floor and Roof Plan 21020 - 422
Plot 2 Elevation Drawings - 21020 - 522
Plot 3 Design Drawing Ground Floor & Roof Plan - 21020 - 423
Plot 3 Elevation Drawings - 21020 - 523
Plot 4 Design Drawing Ground Floor & Roof Plan - 21020 - 424
Plot 4 Elevation Drawings - 21020 - 524

Tree Planting Scheme uploaded 21.09.21
Arboricultural Impact & Preliminary Arboricultural Method Statement 20th July 2021
Arboricultural Impact Appraisal & Preliminary Arboricultural Method Statement

20th July 2021
Design and Access Statement July 2021
Heritage Report July 2021
Schedule of Materials July 2021

Reason: - To ensure provision of a satisfactory development.

- 3 Development shall proceed in strict accordance with the ecological mitigation measures, including the ecological enhancements, detailed within the Bat Roost Assessment (Phillips Ecology, September 2021) unless otherwise agreed in writing by the Local Planning Authority. Four bird nesting swift boxes shall be install on the dwellings hereby approved or four open front swift next boxes within the site and thereafter maintained and retained on the dwellings or within the site.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), Policy CS 11 of the Havant Borough Core Strategy March 2011, Policies E14 and E15 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, fences or other means of enclosure at the road junctions shall be set back to the sight lines shown on the approved drawing reference no 21020-412A and these visibility splays shall be kept free of obstruction at all times.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and IN4 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 5 The car parking, servicing and other vehicular access arrangements and cycle provision 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, Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 6 Throughout the site clearance and implementation of the development, the approved contractor's parking provision and storage areas shall be kept available and used only as such in accordance with the approved Construction Management Plan reference 21020-415A unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 7 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the building(s) 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, Policies E1 and H1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.
- 8 The landscaping works shown on the approved Tree Planting Scheme Plan shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees of similar size and species to those originally required to be planted.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E18 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.
- 9 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Impact Appraisal & Preliminary Arboricultural Method Statement dated July 2021 and Tree Protection Plan and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E1 of the Submission Havant Borough Local Plan.
- 10 No above ground construction works shall take place until a full specification of the external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with any terms of such approval unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the residential amenity of the locality is not impacted upon by external lighting levels and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 11 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 and E 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 amenity of neighbours and parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 12 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.