



## 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

|      |                                                                        |
|------|------------------------------------------------------------------------|
| CS16 | (High Quality Design)                                                  |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS21 | (Developer Requirements)                                               |
| CS4  | ( )                                                                    |
| CS9  | (Housing)                                                              |
| DM13 | (Car and Cycle Parking on Residential Development)                     |

### Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| AL1  | (Presumption in Favour of Sustainable Development)                                        |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |
| AL3  | (Town, District and Local Centres)                                                        |

### Submission Version Havant Local Plan

|     |                                              |
|-----|----------------------------------------------|
| E22 | (Amenity and pollution)                      |
| C3* | (Cowplain District Centre)                   |
| E20 | (Drainage infrastructure in new development) |
| IN1 | (Effective provision of infrastructure)      |
| 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)   |

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

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

### **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:

(b) 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.

**Crime Prevention -Minor Apps**

No comments received.

**Environment Agency**

No comments received.

**Hampshire Highways**

As the application is for 5 or less dwellings and features no changes to the vehicular access onto the public highway, HCC's standing advice should be referred to in the first instance. The Highway Authority will therefore not provide detailed comments on the planning application.

**Natural England Government Team**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

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, providing that all mitigation measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

***Solent Recreation Mitigation Strategy***

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

### ***Deterioration of the water environment***

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Budds Farm. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

### **Nutrient Team, Planning Policy**

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00433.

**Portsmouth Water Company**

No comments received.

**Public Spaces**

No comments received.

**Southern Gas Networks - stage 1**

No comments received.

**Waste Services Manager**

No comments received.

**6 Community Involvement**

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

Number of neighbour notification letters sent: 44

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 1

**7 Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Private amenity space
- (iv) Impact upon residential amenity
- (v) Highways and parking
- (vi) Compliance with Habitats Regulations
- (vii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable 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.

7.3 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.

- 7.4 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 two 1 bedroom dwellings 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

- 7.5 Due to its limited size the plot is not considered to be of sufficient size to adequately accommodate a residential development as proposed. Whilst the building could physically be constructed on the site it would cover the vast majority of the site. As a result, it would be an overdevelopment of the site and appear cramped and contrived layout not in character with the pattern of development in the locality.
- 7.6 The proposed layout shows the provision of four parking spaces and whilst it is acknowledged that the site already has hardstanding, this amount of hardstanding would dominate the appearance of the site and be uncharacteristic for a new residential development further indicating the overdevelopment of the site.
- 7.7 The proposed layout would incorporate the living rooms on the first floor providing a balcony overlooking the car park. The design of the building is not in keeping with that predominantly in the locality, however, it is acknowledged that there is a variety of building designs in the area, some of which have flat roofs. However, the particular design results in what would be a very prominent building with an overt appearance of having three floors. It is considered that the scale of the building would be out of character in the locality.
- 7.8 The principle of the erection of a building on such a relatively small plot represents an overdevelopment of the site and out of character with the locality. The size of the plot is not considered characteristic of other residential properties with gardens and traditional pattern of development in the area.
- 7.9 The Borough Design Guide acknowledges that backland and infill developments have a role to play in delivering the Council's housing and development targets. However, it also states that development of backland and infill sites should maintain and enhance the existing character and quality of an existing area and should create pleasant and attractive places to live.
- 7.10 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 requires, among other things, high quality design for development and responds to, draws inspiration from and respects local context.
- 7.11 It is considered that the proposal is a contrived and cramped development contrary to the Borough Design Guide SPD, 2011, adopted policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

(iii) Private amenity space

- 7.12 As noted above, the proposed dwellings would incorporate a balcony area overlooking the public car park. There would be no private garden amenity area provided for the new dwellings.
- 7.13 The design and access statement comments that the amenity space for the new dwellings would be by way of a private rear balcony at first floor level and that this is easily supplemented by Padnell Recreation Ground and the Queens Enclosure on the other side of the road. Furthermore, it is stated that the balconies are considered to be more than sufficient for the passive recreation requirements for the one bedroom dwellings and would accord with the requirements specified in the residential guide.
- 7.14 Notwithstanding the comments in the design and access statement, the lack of any private garden amenity area for houses is not in accordance with the adopted Borough Design Guide SPD that also recommends a 10m minimum rear garden depth. Whilst it is acknowledged that there are apartments within the immediate vicinity that do not benefit from private gardens, the design guide accepts that a balcony would be sufficient for flatted development.
- 7.15 It is acknowledged that there are examples of residential houses that have limited private amenity space in the form of gardens, but they do have some. It is also acknowledged that the proposed development is for one bedroom houses and therefore unlikely to house families with children and that a smaller garden amenity area may be adequate for other types of households for whom gardening and outdoor play space are often not priorities. Whilst the private balconies would offer some private amenity space in what is an urban area, it would set a bad precedent for similar developments in the area and undermines the Design Guide objectives and the quality of the future living environment.
- 7.16 The lack of any private garden space is considered contrary to the adopted policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD and the NPPF.

(iv) Impact upon residential amenity

- 7.17 The new dwellings would be positioned to the rear of No.57 and 57a London Road a hairdressers and cafe at ground floor and flat above (No.57). No.57a has no rear facing openings so would not be adversely impacted upon whilst No.57 is a commercial use at ground floor with flat above with windows to the side and rear. It is considered that the proposed development would not result in any significant overlooking or loss of privacy to neighbouring properties.
- 7.18 It is considered that the development would not result in a significant adverse impact on the amenities of neighbouring properties with regard to loss of sunlight/daylight or overbearing impact.

- 7.19 In terms of residential amenity for the future occupiers of the proposed development, the lack of private garden amenity area is outlined above. Whilst the design and access statement comments that the proposed development would suitably protect existing neighbour amenity and the amenities of the future occupiers, there would be very little outlook from the ground floor windows and it would not result in a satisfactory residential environment and, as such, would be contrary to the adopted policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD and the NPPF.

(v) Highways and parking

- 7.20 As noted above, the application site is currently being used for parking vehicles and also a small café seating area. It is not known if these spaces are allocated or not, however, with the large public car parking located to the rear there is adequate parking provision in the area and any loss of the existing parking area is not considered sufficient to warrant refusal on these grounds.
- 7.21 It is noted that the Highway Authority raises no objection to the proposed development as the application is for 5 or less dwellings and features no changes to the vehicular access onto the public highway. However, their comments are technical, relating to function rather than to amenity considerations.
- 7.22 The parking and turning area would result in an extensive hard surface that would dominate the sites frontage albeit hardstanding already exists. But such an expanse of hardstanding would be uncharacteristic for a small residential development and there would be no opportunity to soften it with soft landscaping.
- 7.23 The Borough Design Guide SPD states, inter alia, that the layout of new schemes should not be dominated by the car or highways. Whilst it is acknowledged that the site would be seen in the context of its surroundings, including the nearby public car park, as noted above, Policy CS16 requires, among other things, high quality design for development, however the proposal would result in an uncharacteristic, more intensive layout that would be contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD and the NPPF.

(vi) Compliance with Habitats Regulations

- 7.24 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 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.
- 7.25 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.

- 7.26 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.
- 7.27 The applicant has entered into a legal agreement to secure the mitigation packages.
- 7.28 The applicant has also submitted a water calculation demonstrating that no more than 110 litres of water per person per day can be achieved.

(vii) CIL

- 7.29 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable. The appropriate forms have been submitted and acknowledgement sent from the LPA to the applicant confirming the Assumption of Liability for CIL

## **8 Conclusion**

- 8.1 It is acknowledged that the Council's Five Year Housing Supply is below the threshold and that the proposal would provide two 1 bedroom dwellings making a very small contribution to the Council's housing need. However, the adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits of provision of a two 1 bedroom dwellings such that the planning balance is not tilted in favour of the proposal.
- 8.2 By reason of size, siting and design, the proposal would constitute an undesirable overdevelopment of the site and appear cramped and have a contrived layout not in character with the pattern of development in the locality. Furthermore, the proposed parking area would dominate the appearance of the site and be uncharacteristic for a new small residential development further indicating the overdevelopment of the site. The proposal would have an adverse effect on the character of the area and also the lack of any private garden amenity area and poor outlook from habitable rooms would result in unacceptable living conditions for future occupants/owners of the proposed dwellings.
- 8.3 As such, the proposal conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, The Havant Borough Design Guide Supplementary Planning Document 2011, emerging policies E1 and H1 of the Submission Version Havant Local Plan and the National Planning Policy Framework 2021.
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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/00433 for the following reasons:

- 1 By reason of size, siting and design, the proposal would constitute an undesirable overdevelopment of the site and appear cramped and have a contrived layout not in character with the pattern of development in the locality.  
Furthermore, the proposed parking area would dominate the appearance of the site and be uncharacteristic for a new small residential development further indicating the overdevelopment of the site. The proposal would have an adverse effect on the character of the area and also the lack of any private garden amenity area and poor outlook from habitable rooms would result in unacceptable living conditions for future occupants/owners of the proposed dwellings.

As such, the proposal conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, The Havant Borough Design Guide Supplementary Planning Document 2011, emerging policies E1 and H1 of the Submission Version Havant Local Plan and the National Planning Policy Framework 2021.