

Recommendation: **GRANT PERMISSION**

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)
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)

Submission Version Havant Local Plan

E1*	(High quality design)
H1*	(High quality new homes)
E14	(The Local Ecological Network)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Pamela Crellin - Barncroft

No comment

Councillor Yvonne Weeks - Barncroft

No comment

Southern Water

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

To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

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

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

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

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

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

SouthernWaterPlanning@southernwater.co.uk

Portsmouth Water Company

Thank you for consulting Portsmouth Water on this application- we have no adverse comments on this application from a groundwater quality perspective.

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments received	

7 Planning Considerations

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Ecology
- (v) 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 control criteria.

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

- 7.2 This proposal seeks to vary condition 2 of APP/20/01130, reconfiguring the first floor by reducing the size of the first floor bathroom at no 1 and creating an additional bathroom at ground floor level in what was previously storage space, enlarging this by removing a wall. It is noted that in the previous application, APP/20/01130 the first floor bathroom was deemed too small and therefore was increased in size into space that was previously within flat 1A. The current proposal would take this space back however would add the downstairs bathroom. With the downstairs bathroom added, there is deemed to be acceptable bathroom space. The first floor bathroom window would be retained as obscure glazed and non opening. Other proposed alterations include moving the bathroom from the rear in flat 1A at first floor level, towards the front with the rest of the room forming the L shaped bedroom. Due to the reconfiguration of the bathroom at no 1A, if the obscure glazing condition were to be retained to both first floor rear elevation windows, this would leave only one north facing window serving the bedroom. To ensure the room is adequately served with light, the rear window furthest to the west side of the property is deemed to be acceptable to be clear glazed. No alterations are proposed to bike shelters.
- 7.3 The alterations proposed are internal and therefore do not impact the character and appearance of the surrounding area.

(iii) Impact upon residential amenity

- 7.4 The main impact on neighbour amenity would be the clear glazing of the furthest west sited rear elevation window serving no 1A. Towards the rear of the site are rear gardens along Linkenholt Way, with the rear garden on no 11 located closest. The window in question would be located furthest away from the private amenity space at no 11 and was an original window at the property prior to the later extensions. There are first floor windows from the terrace of properties to the west which is to be expected in a residential area such as this. Impact on neighbour amenity is therefore deemed acceptable.
- 7.5 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Ecology

- 7.6 The consideration of this S73 application also requires Habitats Regulations Assessment/Appropriate Assessment consideration in consultation with Natural England.

The Council has conducted a Habitats Regulations Assessment (HRA) 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, when considering the impact of the S73 changes in the context of the project approved under APP/20/01130 which are still extant, there was

not likely to be a significant effect on any Solent European Sites (as defined in the application's HRA) due to any increase in recreation or decrease in water quality that might result from the development. Contributions to mitigate increased recreational pressure on the coast have previously been secured.

The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have chosen not to make any representations within the standard 21-day period for consultation. The HRA has therefore been able to be completed on this basis and concludes that the proposal would not lead to a likely significant effect on European site integrity.

(v) CIL

- 7.7 This development would not result in any net additional floorspace and is therefore not CIL liable.

8 **Conclusion**

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval. As this is a variation of condition application made under S73 of the Town and Country Planning Act, which results (in law) in a fresh planning permission for the development as a whole the other relevant conditions from APP/20/01130 will need to be applied to the consent.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00675

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:

Drawing No.01 (Location Plan, Block Plan, Proposed Plans and Elevations) uploaded on the 23.06.2021

Reason: - To ensure provision of a satisfactory development.
- 3 The external materials used, including works to make good, shall match, in type, colour and texture, those of the existing building so far as practicable.
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 The internal layout of the development hereby permitted shall be carried out and retained in perpetuity in strict accordance with that shown on the approved plans.

Reason: To ensure sufficient quality living conditions and amenity space for the future occupants of the units and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy H1 and E1 of the Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the development hereby permitted the 2 x windows in the first floor on the rear elevation facing south, one serving the bathroom in House 1 and the adjacent window in House 1A serving the bedroom shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter (house numbers as shown in the site plan). The first floor window on the rear elevation facing south that serves a bathroom to the dwelling marked 'House 1' on the approved dwellings shall also be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights.

Reason: In the interests of the amenities of the occupiers of nearby properties, and in the interests of the living conditions of the future occupier of house 1A having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation for the dwelling marked 'House 1' on the approved drawings in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. 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 At all times following occupation of the dwelling marked 'House 1' on the approved drawings, all measures necessary to meet the approved water efficiency calculation for the dwelling shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the new dwelling 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.

- 8 The cycle storage sheds shown on the approved plans to serve the development hereby permitted shall be installed and made fully available for use prior to the development being first brought into use and retained and maintained thereafter.

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.

- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension or building alteration, including to the roof, shall be constructed to the dwelling marked 1 or to the dwelling marked as 1A on the approved site plan drawing. No further outbuildings shall be erected within the curtilage of the dwelling marked 1A on the approved site plan drawings.

Reason: In the interests of the amenities of neighbouring properties and to and to ensure sufficient quality living conditions and amenity space for the future occupants of the units and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy H1 and E1 of the Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.