

CS21 (Developer Requirements)
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)
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)
E12 (Low carbon design)
E16 (Solent Special Protection Areas)
IN3 (Transport and parking in new development)

Emsworth Neighbourhood Plan Post Examination Version 2020

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

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

The plans attached to this application do not address any of the comments we made for APP/21/00144

Officer Comment: Any matters will be dealt with at the Building Control stage.

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:

(i) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the additional dwelling and its 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 Gary Hughes

No comment.

Councillor Husky Patel

No comment.

Councillor Ms C Howard - Purbrook Ward

No comment.

Developer Services, Southern Water

The developer is currently in consultation with Southern Water with regards to entering a sewer protection agreement under our reference SWS-BO-DSA000002783. The details of the sewer protection should be agreed and approved by Southern Water before implementing on site.

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.

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

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

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

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

Hampshire Constabulary, Tasking & Co-Ordination Directorate

No comment.

Highways Development Planning, Strategic Transport, Economy, Transport and Environment Department - No Objection

The application is a variation based off previous planning permission (APP/21/00144), whereby the only change has been a narrowing of the building footprint to accommodate requirements from Southern Water. The Highway Authority previously provided no objection for this planning application.

The Highway Authority can confirm that the proposed demolition of the existing Bungalow and construction of two semi-detached three bed dwellings will not have a detrimental impact on the wider highway network.

It is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway. Details of this procedure can be found via the following link:

[Apply for a vehicular access | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk).

It is important to note that if there are any minor utility diversions that are required to facilitate the dropped kerb then additional costs may arise in addition to the initial application fee.

The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled.

Having regard to the above, providing that the applicant applies for the drop kerb in the appropriate manner, the Highway Authority are satisfied that the above planning permission will not result in a detrimental impact on the local highway network, and therefore raise no objections towards this.

Officer Comment: As to the requirement for a dropped kerb, this is recommended as an informative.

Natural England, Natural England Consultation Service - No Objection

Your appropriate assessment, dated 06 May 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

Natural England, Natural England Consultation Service - No Comment.

Natural England currently has no comment to make on the variation of condition 2.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Norse South East, Operations Director

No comment.

Nutrient Team, Planning Policy

I can confirm that there is sufficient capacity in the Council's strategic mitigation scheme for this proposed development (as per APP/21/00144).

Waste Strategy Team Leader, Community Group

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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None.	

7 Planning Considerations**7.1 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) Impact upon residential amenity
- (iv) Highways and parking
- (v) CIL
- (vi) Compliance with Habitat Regulations
- (vii) Other matters

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria.
- 7.3 Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

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

- 7.4 The proposed changes are minor: narrowing the building footprint to accommodate Southern Water's pipeline; fixed sidelights next to the front doors omitted as a consequence and window proportions on side elevations adjusted to suit brick coursing and heights of staircase.
- 7.5 The proposed changes, which are minor in nature, would not result in any adverse impact on the character of the area and is considered acceptable.

(iii) Impact upon residential amenity

- 7.6 The proposed changes would not result in any adverse impacts on neighbouring properties.

(iv) Highways and parking

- 7.7 The impact on highways and parking were considered to be acceptable under permission APP/21/00144 and this variation would not affect that consideration.

(v) CIL

- 7.8 The proposal would have a slightly smaller footprint to the dwelling it replaces. The proposal is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in additional internal floor space for the dwelling has been calculated by the agent as 193 sqm, which would be £22,953.21. Exemption is not being claimed.

(v) Compliance with Habitat Regulations

- 7.9 The application is a planning application to amend the drawings associated with a previous planning permission (APP/21/00144), which has commenced. The effect of the change is to amend the proposal, with no increase in units or bedroom numbers.

- 7.10 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 application's HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.
- 7.11 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.
- 7.12 The application in question would constitute a new planning permission on the site as it is a S73 submission. However, the application is in effect an amendment of an existing scheme with planning permission. Construction has already commenced in respect of the S73 application. The existing scheme was assessed under the Habitats Regulations at the time of determination. The application was for demolition of an existing bungalow and the erection of semi-detached properties. As a result, the creation of an additional dwelling on the plot has already been granted planning permission. This application only proposes changes to the appearance and size of the dwellings.
- 7.13 As in the screening, it is appropriate to consider the impact of the proposed project over and above what is already permitted. The permitted scheme included mitigation packages.
- 7.14 The approved development, was for the same number of bedrooms, comprising semi-detached dwellings. As a result, the creation of a new dwelling on the plot has already been granted planning permission. This application only proposes changes to the appearance and size of the dwellings and there is no further net gain in dwellings or bedrooms and as such it is considered that further mitigation as regard water quality and the SRMS, is not necessary in this circumstance.
- 7.15 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.

(vii) Other matters

- 7.16 As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect.
- 7.17 The time limit for implementation is no longer necessary as the original permission has been implemented.
- 7.18 Conditions 7 and 8 of permission APP/21/00144 have been discharged.

8 **Conclusion**

- 8.1 The proposed change to the footprint and elevations are considered acceptable and minor in nature. It is recommended to grant planning permission to vary Condition 2 of permission APP/21/00144.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00822 subject to the following conditions

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

Proposed Front & Rear Elevations - Drawing No. AE220
Proposed Side Elevations - Drawing No. AE221
Proposed Ground & First Floor- Drawing No. A120
Proposed Second Floor and Roof Plan - Drawing No. A121
Proposed Site Plan - Drawing No. A125

Reason: To ensure provision of a satisfactory development.

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

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

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, unless otherwise agreed in writing with the Local Planning Authority.

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) Order 2015, prior to first occupation of the building hereby permitted the windows in the first floor on the side elevation facing east shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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

- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions to the dwelling the subject of the permission or the outbuildings shall be constructed within the curtilage of the site or any roof alterations made (including the provision of roof light windows) without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring properties and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 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 E12 and E14 of the Pre-Submission Havant Borough Local Plan.