

4 **Policy Considerations**

National Planning Policy Framework July 2021
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
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

DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
EX1	(EX1 Water Quality impact on the Solent European Sites)

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

5 **Statutory and Non Statutory Consultations**

Councillor Diana Patrick

No comments received.

Councillor Dianne Lloyd

No comments received.

Councillor S Milne

No comments received.

Natural England

In this instance there is an extant planning permission (APP/18/00931) for a new 2 bedroom dwelling, which has already commenced construction. The consent now being considered is a variation to the internal layout which will not result in an increase in the number of bedrooms or dwellings.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of European sites in the Solent because the consent being sought is for an amendment of an extant permission and the house could be built under the existing permission. The argument being put forward in this case is that the consent for an amendment will not result in an increase in nutrients because permission for a new dwelling already exists.

Provided HBC, as competent authority, is satisfied that the proposal is nutrient neutral Natural England raises no further concerns on this occasion, but you may wish to seek your own legal opinion.

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: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of representation raising the following issues:

- Work should not go ahead
- Cracks appearing in walls
- Rats within cavity walls
- Floors in house have started creaking
- Traffic and parking concerns
- Builders parking in privately owned spaces
- Traffic of heavy machinery on narrow footpath is unsafe
- Small, cramped and unrealistic

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) Compliance with Habitat Regulations
- (vi) 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 relatively minor in that the rear section would be squared off and the proposed projecting two storey front bay handed. The roof element of the projecting bay would also be lower.
- 7.5 The proposed changes 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 objection is noted; however, the proposed additional dwelling has already been considered acceptable under permission APP/18/00931.
- 7.7 The proposed changes would not result in any adverse impacts on neighbouring properties.

(iv) Highways and parking

- 7.8 The impact on highways and parking were considered to be acceptable under permission APP/18/00931 and this variation would not affect that consideration.

(v) Compliance with Habitat Regulations

- 7.9 The application is a planning application to amend the drawings associated with a previous planning permission (APP/18/00931), which has commenced. The effect of the change is to amend the layout of the proposal, with no increase in unit 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 applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.
- 7.11 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, for which construction has commenced. The existing scheme was assessed under the Habitats Regulations at the time of determination. The application was for the creation of a new two bedroom dwelling. As a result, the creation of the new dwelling has already been granted planning permission. This application only proposes changes to the appearance and layout of the dwelling.

- 7.13 As in the screening, it is appropriate to consider the impact of the proposed project over and above what is already permitted and is currently being lawfully implemented. The permitted scheme included a mitigation package.
- 7.14 Having regard to the approved development, which was for the same number of bedrooms, comprising a new two-bedroom dwelling. As a result, the creation of the new dwelling has already been granted planning permission. This application only proposes changes to the appearance and layout of the dwelling and there is no net gain in dwellings or bedrooms and as such it is considered that further mitigation is not necessary in this circumstance.
- 7.15 This application only proposes changes to the appearance and layout of the dwelling and there is not net gain in dwellings or bedrooms and as such it is considered that further mitigation is not necessary in this circumstance regarding water quality, particularly that the approved development is currently under construction and therefore no additional mitigation regarding water quality is required in this circumstance.
- 7.16 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

- 7.17 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.
- 7.18 The time limit for implementation is no longer necessary as the original permission has been implemented.
- 7.19 Other pre commencement conditions have been discharged so do not need to be reimposed.

8 Conclusion

- 8.1 The proposed change to the footprint and elevations are considered acceptable. It is recommended to grant permission to vary Condition 10 of permission APP/18/00931.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00325 subject to the following conditions:

- 1 The development shall be constructed in accordance with the schedule of materials (rev P3– dated 14/8/2019) submitted in relation to planning permission APP/18/00931 Condition 2 and subsequently approved by the Local Planning Authority on 28 August 2019.

- Facing brickwork: Windsor Forterra (London Brick Co)
- Roof tiles: Marley Double Roman in Smooth Brown

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 and the National Planning Policy Framework 2021.

- 2 The shed and cycle store shall be constructed in accordance with the elevational plan and materials details (005 Rev P1) submitted in relation to planning permission APP/18/00931 Condition 3 and subsequently approved by the Local Planning Authority on 2 August 2019.

- Stained timber boarding to elevations

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 and the National Planning Policy Framework 2021.

- 3 The development shall take place in accordance with the finished floor levels information (000000-01P3) submitted in relation to planning permission APP/18/00931 Condition 4 and subsequently approved by the Local Planning Authority on 2 August 2019. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the amenities of the area having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

- 4 The development hereby permitted shall be carried out in accordance with the foul and surface water drainage details (000000-01P3 & 000000-02P2) submitted in relation to planning permission APP/18/00931 Condition 5 and subsequently approved by the Local Planning Authority on 2 August 2019. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and

particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

- 5 The development hereby permitted shall be carried out in accordance with the soft/hard landscaping details (006 Rev P1) submitted in relation to planning permission APP/18/00931 Condition 6 and subsequently approved by the Local Planning Authority on 2 August 2019. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

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 and the National Planning Policy Framework 2021.

- 6 The development hereby permitted shall be carried out in accordance with the surfacing materials information (006 Rev P1) submitted in relation to planning permission APP/18/00931 Condition 7 and subsequently approved by the Local Planning Authority on 2 August 2019. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

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

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

- 8 The development must be undertaken in accordance with the Arboricultural Method Statement and Tree Protection Plan dated 1 November 2018 and supplied by David Archer Associates, Arboricultural Consultancy.

Reason: To protect the conservation and enhancement of existing natural features in accordance with policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

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

21018 - 112A - AMENDED PROPOSED SITE LAYOUT

21018 - 411 - PROPOSED FLOOR PLANS

21018 - 511 - PROPOSED ELEVATIONS

Reason: - To ensure provision of a satisfactory development.