

Recommendation: **GRANT PERMISSION**

This would be an alternative development to APP/19/00332 and instead of 2No 1 bed maisonettes would result in 2No 2 bed maisonettes. To achieve this 2 small pitched roof dormers are now proposed for the front roofslope, together with some re-arrangement of other windows.

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
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)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_M1	(Cycle Storage Provision)
ENP_D1	(General Design Policy)
ENP_L1	(General Housing Policy)
ENP_D2	(Height, Mass & Materials)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control

Unable to find details of additional waste storage provisions for extra flat

Means of escape doesn't appear to comply with Approved Document B no door separating second and first floors

Cooking facilities should be located away from the staircase

Location of any flues not shown

Details of sound and fire proofing will need to be covered under Building Regulation consent

Building Regulation application required for this work

Community Infrastructure

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/nitrogen-developers>

Crime Prevention

None received

Hampshire Highways

As the application is for 5 or less dwellings and there is no required change of vehicular access onto the highway, HCC's standing advice should be referred to in the first instance. The Highway Authority will therefore not provide detailed comments on the proposed development.

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, and a competent authority should have regard to Natural England's advice.

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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

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 (**£571.10**), 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.

Nutrient Neutrality – no objection subject to mitigation

Natural England is aware that your authority has adopted a position statement, to ensure that development

achieves nutrient neutrality through the agreed site specific nutrient budget.

Specifically, mitigation measures for this development involve the use of a specific on-site avoidance measure as well as the use of Warblington Farm as a specific off-site mitigation measure.

The nutrient budget calculated for this development, with a net increase of 1 dwelling is **0.80 kg/TN/yr**. As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation for this scheme would be **£1,015.80**.

Provided that the applicant is complying with the requirements of the Interim Strategy for **0.80 kg/TN/yr** and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Nutrient Team, Planning Policy

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00356.

Public Spaces

None received

Southern Gas Network

There are high pressure pipelines in the vicinity of the work area & no work or crossing of the pipeline should take place until detailed consultation has taken place.

This is an initial/scoping response only; once planning approved & works due to start on site a 'planned works' enquiry must be made.

Officer Note

This information has been shared with the agent and an Informative can be added; the proposed porch is the only ground works proposed and already has permission under APP/19/00332.

Waste Services Manager

None 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: 14

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: **3 in total**: 2 letters of representation to the original plans; and one further letter on the amended plans

Comment	Officer Comment
<i>On original plans:</i>	
The Planning Application document for the existing east elevation is INCORRECT. At first floor level east elevation there are NO small windows, only two larger windows.	This has been corrected by amended plans
The proposed dormer arrangement impinges on line of sight and will limit	45 degree line marked on plan - see

amount of natural light into my second floor room through the rear window. No indication of extractor outlet from kitchen. This should be at good distance from my window so as to prevent ingress of cooking exhausts and smells into my upstairs room. Where will the heating boiler be fitted in each property. Exhaust flue to be suitably located clear of any of my windows so as to prevent ingress of CO and other exhaust gas. One of the properties appears not to have any allocated outside space with exception of a communal frontage. Where will waste disposal be placed? As proposed living / dining / kitchen spaces are to be adjoining my bedroom, confirm suitable levels of sound insulation will be required.	section 7 Amended plans provide such detail as within central area of dormer, maximising distance from neighbouring properties/windows as above Noted - not unusual for flats to have no outside space; juliette style opening improves amenity for future occupiers. Refuse collection/bins to front a Building Regulations matter
<i>On Amended plans:</i>	
Continued objection to the size and proximity of the proposed rear dormer (south elevation) to the only source of natural light at the rear of my 2nd floor room. The drawing Ref 2.4 suggests a build line in common with the roof line at the rear of my property. Drawing 2.4 does not indicate or confirm this continuity. If the drawing can be amended to indicate this maximum forward extent of the dormer, and construction is undertaken to not breach this specified line, I will accept this line of reference for the maximum forward extent of the external fascia of dormer. The drawing does not indicate the detailed positioning of the side wall of the dormer in relation to my property. I wish for this to be indicated in detail and positioned at a reasonable distance inside the proposed property's boundary adjacent to my own, expecting no less than 2 feet 6" lateral distance to be applied for the outer	see section 7 Roof lines shown correctly staggered Plans are clear Side elevations provided on drawing number 03.1

side fascia of the dormer.	
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If would welcome this detail being defined and included in the proposed plans and available for scrutiny.	
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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 and space standards
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking and refuse
- (v) CIL
- (vi) Compliance with Habitat Regulations

(i) Principle of development and space standards

7.1 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The further subdivision of this large first floor would be in compliance with policy CS9 and provide another unit of accommodation to contribute towards the Borough's housing needs. The previous extant permission APP/19/00332 permitted the subdivision into 2No 1 bed flats, and this proposal re-arranges the internal layout and achieves 2No 2 bed flats. It is noted that the main double bedroom dimensions falls marginally below the Nationally Described Space Standards but each overall flat size meets the relevant standard. Since this is only emerging policy (H1 of the LP36) and the discrepancy is very minor, then in this instance the principle of the conversion is considered acceptable.

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

7.2 The immediate area is characterised by both flats and dwelling houses. The adjacent properties are both converted to flats. The further subdivision of this larger first floor flat by utilising the roof space, to create two smaller flats is considered compatible with adjacent uses and the character of the area.

7.3 The proposed front porch is the same as APP/19/00332 and would link the two bay windows with a central gable feature and it is proposed to use matching materials. This is considered visually appropriate to the host dwelling and street scene. Compared to the previous permission, it is now proposed to add 2 front dormers and reduce the rooflights to 2. The dormers proposed are pitched roof and modest in scale, and would not dominate the roof slope, meeting the requirements of the adopted Design Guide. To the rear the proposed dormer has been broken up with a small central recess, which effectively breaks up the visual bulk of the dormer. The size and scale of the rear dormer is the same as previously approved under APP/19/00332, the only difference now being the insertion of juliette style opening doors to provide better amenity levels for future occupiers. Rear dormers exist in adjacent roof slopes, albeit smaller, and overall the proposed dormer is considered to continue to be appropriate in design terms, compliant with Policy CS16.

(iii) Impact upon residential amenity

7.4 The third party objection relates to effect on light and line of sight from the neighbouring dormer. The rear roof slopes are staggered and the agent has marked the approximate positions of the adjacent dormers and provided a 45 degree line which demonstrates that the proposed dormer would not breach this overshadowing zone. Accordingly, the proposed rear dormer is considered to comply with the Design Guide SPD and would not result in any significant loss of light or outlook. It must also be noted that this rear dormer is of identical size and siting to that already approved under APP19/00332.

7.5 For future occupiers one of the flats would have the benefit of the large garden for amenity; although the other flat would not have any amenity space or access to the garden. It is noted that this time the proposal includes Juliette openings to the living areas which would improve the sense of access to the outdoors for future occupiers. Overall the lack of amenity space is not considered refusable.

(iv) Parking and refuse

7.6 The existing 2 bed flat does not have any parking, which, under the Parking SPD, represents a deficit of 2 spaces. There is also no vehicle parking provided for the proposed development of 2 No two bed flats which would also technically require 2 spaces each to meet the Parking SPD. Overall there would therefore be a shortfall of 2 spaces. However regard must be had to the proximity of the site to Emsworth station, its location on a bus route and also within walking distance to Emsworth town centre. ie it is considered an accessible location. Furthermore a recent appeal decision at 95 North Street noted the accessible location and the Inspector did not object to a reduction in parking standards.

7.7 The proposed plans do provide for 4 cycle hoops affixed to the front boundary wall. This would provide appropriate alternative cycle parking provision. Overall there is no objection to the lack of parking in this instance.

7.8 Refuse bins would also be provided within the fore court of the site, as existing and as previously approved.

(v) CIL

7.9 The subdivision of a dwelling into two dwellings is not CIL liable and there would only be a CIL charge if new floor space over 100 sqm was proposed. In this instance the loft conversion and dormers amount to 50 sqm, hence there is no CIL liability associated with this application.

(vi) Compliance with Habitats Regulations

7.10 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 (Amendment) (EU Exit) Regulations 2019. 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 due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of 1 additional 2 bedroom dwelling.

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 on Nutrient Neutral Development.

- 7.12 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £571.10 to address the potential recreational harm from the new development. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Councils updated Position Statement, August 2020, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £1,015.80 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.
- 7.13 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs 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 and raise no further objection. It is noted that under application APP/19/00332 the SRMS mitigation applicable at the time was also collected, effectively duplicating the recreational mitigation for a similar scheme. The applicant can seek a refund for whichever development is not implemented.

8 Conclusion

- 8.1 It is considered that the proposed further subdivision of this flat to form 2No 2 bed maisonettes is acceptable in principle and would have limited and acceptable impact on neighbouring amenity and is compliant with policy. The proposal is therefore recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00356

(A) 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:

Design & Access Statement
1:1250 Location Plan; 1:500 Site Plan Drawing Number 1901 - 02.5
Proposed Second Floor Plan Drawing Number 1901 - 02.3 on Council's

website dated 10th May 2021

Proposed Roof Plan Drawing Number 1901 - 02.4

Proposed Elevations Drawing Number 1901 - 03.1

Proposed Ground Floor Plan Drawing Number 1901 - 02.1

Proposed First Floor Plan Drawing Number 1901 - 02.2

Proposed Landscape Plan Drawing Number 1901 - 02.9

Reason: - To ensure provision of a satisfactory development.

3 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation 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.

4 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.

- 5 The external materials used 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.
- 6 The cycle parking frames shown on hereby approved Drawing Number 1901 - 02.9 to serve the development, shall be provided and installed and 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.