
Site Address:	390 Purbrook Way, Havant, PO9 3SH		
Proposal:	Erection of 1No. end of terrace two bed dwelling.		
Application No:	APP/19/00319	Expiry Date:	22/08/2019
Applicant:	Mr A Basford		
Agent:		Case Officer:	Steve Weaver
Ward:	Barncroft		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is a two storey end of terrace property constructed of red multi brick and brown pitched roof. The building has a large attached garage to the side. It has a brown tiled pitched roof and elevations of red multi brick. The property is situated on the corner of Purbrook Way and Appleshaw Green, although there is only pedestrian access to the properties on Appleshaw Green. The house sits approximately 0.5 metres lower than the existing drive and garage, while the rear garden is level. There is open vehicular access to the front via a layby and a raised area of shrubs and shingle with a 1 metre high wall to part of the front and western boundaries. There is a 1 metre high fence rising to 2 metres to the eastern boundary. The rear garden is mainly laid to lawn with patio and decking areas and a shed to the rear and is enclosed to all boundaries with 1.6 metre to 1.8 metre high fencing.
- 1.2 The adjoining two storey terraced property is to the west, the front aspect of two storey terraced properties in Appleshaw Green are to the east beyond a public grassed amenity area, two storey terraced properties are opposite and a two storey end of terraced property is to the rear. The area is medium density with two storey semi-detached and terraced properties of a similar age, style and design.
- 1.3 The site obtained planning permission for a similar development to the application proposal under application ref. 08/69272/002 in 2008, but the development was not implemented.

2 Planning History

04/69272/000 - Proposed single storey rear extension and retention of garage, PERM
- 20/04/2004
08/69272/001 - Construction of 1No. attached 2 bedroom house, REF,09/06/2008
08/69272/002 - Erection of 1No. two bed house in rear garden, PERM,06/11/2008
APP/11/01736 - Extension of time limit for implementation of Planning Permission
08/69272/002 relating to erection of 1No. two bed house in rear garden,
NPW,10/09/2012
APP/14/00101 - Replacement of garage roof, PERM,22/04/2014
APP/14/00658 - Non-material change application to Planning Permission
APP/14/00101 relating to increase in roof height by 10cm, PERM,21/07/2014

3 Proposal

- 3.1 The proposal is for the erection of 1 No. end of terrace two storey 2 bed roomed dwelling, following the demolition of the garage.
- 3.2 This application was originally submitted in June 2019, and whilst the scheme was considered to be acceptable on other grounds by the LPA, the application became a 'stalled application' following advice from Natural England and the subsequent development of policy/mitigation scheme re. the impacts of nutrients for developments involving new overnight accommodation.
- 3.3 The applicant has now submitted a required 'updated European Site Avoidance and Mitigation checklist' and nitrogen budget for the development, upon which Natural England have been consulted in respect of the proposal (see Section 5 below).

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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No objection - Comments re waste storage provision

Community Infrastructure, Planning Policy & Urban Design

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>
Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Officer comment: *Completed unilateral undertakings and related payments have now been received in respect of both the Solent Recreation Mitigation Strategy and Nutrient Neutrality issues.*

Crime Prevention -Minor Apps

No response received.

Hampshire Highways

No objection subject to conditions re details of levels of proposed parking spaces to be provided, and prior to occupation the area shown to the front of the existing dwelling to be provided with a non-migratory surface material.

Public Spaces

No response received.

Waste Services Manager

No response received.

Natural England

No objection subject to mitigation being secured in respect of the Solent Recreational Mitigation Strategy, and Nitrates, and subject to a condition to secure water efficiency measures.

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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Objection Summary of grounds of objection: • Already insufficient parking space in the street causing problems for residents - therefore no further development can be accommodated • Problems during the construction period/works vehicles	See planning assessment below. Planning permission cannot be refused for reasons of the temporary construction period. HCC Highways have been consulted, and have not recommended a condition to be attached in respect of construction parking.

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 on the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Compliance with Habitats Regulations and other considerations

(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. It is noted that the Council's Housing Land Supply update as of December 2020 indicates that the Council cannot currently demonstrate a five year housing land supply. The provision of a new dwelling would make a modest contribution towards meeting the Council's requirement for providing new homes across the Borough under Core Strategy Policy CS9.

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

7.3 The proposed dwelling would be set back and set down compared to the existing dwelling, and would retain a gap to the side boundary. The roof would be pitched, inkeeping with the house styles in the area. The design and appearance of the proposal would be similar to the approved scheme in 2008. The materials would be brick and concrete tiles to match the existing dwelling. Overall, the proposed design, appearance and layout is considered to be appropriate in context and is judged to be acceptable meeting the requirements of policy CS16 of the HBLP (Core Strategy).

(iii) Impact upon residential amenity and the living standards of the future occupiers of the site

7.4 The proposed dwelling would be attached to the existing host dwelling at no.390. The proposed dwelling would block two small side windows at first floor, and the two storey rear element would extend beyond the main rear elevation of no.390. However the proposed dwelling would not extend beyond the single storey rear extension at no.390. In addition there are no side windows proposed on the west facing elevation of the development. As a result whilst there would be some impact, it is not considered that the proposal would have an unacceptable impact on the amenities of the existing no.390 Purbrook Way in terms of loss of light, overbearing or overlooking. The nearest neighbouring dwelling is no.1 Appleshaw Gardens to the north/rear. Given the relationship and distance between the proposed dwelling and no.1 Appleshaw Green - which has a side elevation facing toward no.390 over 13m away from the rear elevation of the new dwelling, it is not considered that the development would result in unacceptable overlooking/loss of privacy or overbearing impacts.

7.5 The proposal is considered to be at a sufficient distance from properties to the front and east side that no unacceptable overlooking, overshadowing, or overbearing impacts would result.

- 7.6 In terms of the living standards of the future occupiers of the site the proposed dwelling is considered to have a satisfactory internal layout and outlook from habitable rooms. The private garden has a depth of approximately 7.5m, which is less than the 10m depth recommended in the Council's SPD but of a similar depth as the existing property. This depth is also comparable to a number of other properties in the immediate area, particularly those to the north in Appleshaw Green, and thus would not be viewed as out of character with its surroundings. It is also noted that the current scheme echoes that previously granted planning permission in 2008, which proposed an identical scale of development and two-bedroom occupancy. It is however, considered appropriate that a condition should be added to any planning permission granted removing permitted development rights for extension to ensure that any future increases to the size of the proposed dwelling does not unduly compromise living standards/sufficiency of amenity space.

(iv) Highways and parking _

- 7.7 The proposal is similar to that approved, but not implemented, under application ref. 08/69272/002. There are 2 bedrooms proposed in the new property and 2 on site parking spaces provided. The proposal is also to utilise the front area of the existing dwelling for parking requiring the extension of the layby to the front of the site/removal of the front wall etc. Further information is needed about the levels of the proposed parking areas, however no objection has been raised by the highways authority subject to conditions. It is acknowledged that this residential area contains properties without off road parking, increasing on-road parking needs. However, parking provision is provided for the existing and proposed dwelling as part of this application and there is not considered to be sufficient justification to refuse the application due to parking in this instance. Moreover, the existing driveway could be extended to serve the existing dwelling as proposed under the property's permitted development rights. Cycle storage provision has not been indicated on the plans and it is therefore recommended that the provision of this is required by condition.
- 7.8 Overall, the proposal is considered to be acceptable in highway and parking terms subject to conditions, having regard to policy DM13 of the HBC LP (CS). It is recommended that an informative is added to any planning permission granted reminding the applicant that separate permission is required from the Highways Authority in respect of any works to the highway.

(v) Compliance with the habitats regulations and other considerations _

- 7.9 The application has also been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to an increase in population, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The development is not necessary for the management of the European sites

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. 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 European Sites due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation. 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. The application submission indicated a willingness to enter into a legal agreement to secure the mitigation packages, and the contributions and deeds in respect to both requirements have now been received.

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. As such, given the securing of appropriate mitigation packages, and subject to condition being attached to secure that the proposed dwelling shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 Litres per person per day, the proposal is considered to be acceptable having regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the HBC (CS) 2011, Policy DM24 of the HBC LP (Allocations) and emerging policies E14, EX1 and E12.

A CIL liability form has been completed.

8 Conclusion

- 8.1 The proposal is considered to be acceptable and it is therefore recommended that planning permission is granted.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00319 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:

Location plan
19/791/01 (Site Plan, Proposed Plans and Elevations)
Parking Plan

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing adjoining 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 Prior to the construction of the proposed dwelling details of the levels of the proposed parking spaces for the existing and the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The agreed car parking layout, levels details and vehicular access arrangements for the existing and the proposed dwelling shall be implemented and made fully available prior to the occupation of the proposed dwelling and thereafter retained 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.

- 5 Prior to the occupation of the proposed dwelling the area shown on the site plan for the parking of vehicles for the existing dwelling shall be provided with a non-migratory surface material and reserved in this condition and for this purpose at all times.

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.

- 6 Prior to the occupation of the proposed dwelling details of the position and design of bin storage areas, cycle stores, and any new or replacement boundary treatments (including precise height and materials) for the existing dwelling and the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved structures shall be implemented prior to the occupation of the proposed dwelling and shall thereafter be retained.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 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 Submission Havant Borough Local Plan.

- 8 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 Submission Havant Borough Local Plan.

- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions or additions permitted by Schedule 2, Part 1, Classes A, AA, B or E of the 2015 Order as amended shall be constructed within the curtilage of the proposed dwelling house without the prior approval of the Local Planning Authority.

Reason: To ensure that adequate amenity space is retained for occupiers of the dwelling compatible with the likely occupancy levels of the development, and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD 2011 and the National Planning Policy Framework.