
Site Address:	Land adj 1A Sutton Road, Waterlooville, PO8 8PU		
Proposal:	Erection of 1No. 1 bed detached dwelling, following the demolition of the detached garage, with associated parking and access adjacent to 1A Sutton Road.		
Application No:	APP/21/00554	Expiry Date:	06/07/2021
Applicant:	Mr Barney		
Agent:	Mr Andrews	Case Officer:	Lesley Wells
	Planning and Architecture Ltd		
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is a modern detached bungalow with a detached garage. It has a brown tiled pitched roof and elevations of red multibrick and yellow render. The site is level with open vehicular access to the front leading to a concrete drive and areas of grass and uncultivated land with the rear garden of the property mainly laid to lawn. There are shrubs and 1 metre high wire fencing to the southern and western boundaries, a 1.8 metre high fence and hedge to the eastern boundary and a dwarf wall to the front boundary.

A modern detached bungalow is to the north east, a detached two storey property is to the south west, a pair of two storey semi-detached properties are opposite and the rear garden of a property in Hart Plain Avenue is to the rear. The area is of medium density with modern detached and semi-detached two storey dwellings and bungalows of similar and different age, style and design.

Planning permission was refused on 19/4/2018 for a detached 3 bedroom dwelling with integral garage on the site, under reference APP/18/00148 for the following reasons:

"1. The proposed dwelling would by reason of its size, design and prominent siting would appear cramped and be harmful to the existing character and appearance of the area conflicting with the established pattern of development and spatial characteristics and setting of the streetscene. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.

2. The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring property at 1a Sutton Road and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

3. The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Strategy, is contrary to the Council's Policy on contributions towards ecology which seeks to ensure that the provision is made from new residential development towards the mitigation of the likely significant effect on the Special Protection Areas. It is therefore contrary to policies

CS21 and DM24 of the Havant Borough Local Plan (Core Strategy) 2011, Allocations Plan 2014 and the National Planning Policy Framework 2012."

The appeal was dismissed on 16/4/19 for the following reasons:

"Character and appearance

6. Due to the size, positioning and width the proposal would therefore appear cramped and incongruous in the streetscene, causing harm to the character and appearance of the area. Consequently, the proposal would be contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) (CS) (2011), the Havant Borough Design Guide Supplementary Planning Document (SPD) (2011) and the National Planning Policy Framework (the Framework) (2019). Taken together these require development, amongst other objectives, to respond positively to existing features of local character.

Living conditions

9. The proposal would therefore result in harm to the living conditions of occupiers of 1a Sutton Road with particular regard to outlook. Consequently, it would be contrary to Policy CS16 CS, the SPD and the Framework insofar as they relate to outlook. Taken together these require development, amongst other objectives, to not cause unacceptable harm to the amenity of neighbours through loss of outlook."

As to reasons 1 and 2 these are considered under Section 7 below. Regarding reason 3, the applicant has entered into a Section 106 agreement and paid the mitigation contributions for the SRMS and nitrogen neutral development. Therefore, this reason for refusal has been addressed by the applicant.

2 Planning History

APP/18/00148 - Detached 3 bedroom dwelling with integral garage, REF, 19/04/2018

3 Proposal

Erection of 1 No. 1 bed detached dwelling, following the demolition of the detached garage, with associated parking and access adjacent to 1A Sutton Road.

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

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)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

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)
E16 (Solent Special Protection Areas)
E18 (Trees, hedgerows and woodland)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No comment.

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

The applicant has submitted a claim for self build relief.

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>

Councillor David Jenner

No comment.

Councillor E Shimbart - Hart Plain

No comment.

Councillor P Bains - Hart Plain Ward

No comment.

Crime Prevention -Minor Apps

No comment.

Developer Services, Southern Water

Southern Water objects to the above proposals. Please find attached a plan of the sewer records showing the approximate position of a public critical surface water sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

The 525 mm diameter surface water sewer requires a clearance of 3.5 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3.5 metres either side of the external edge of the public sewer. No new soakaways should be located within 5 metres of a public sewer.

From our initial assessment of the existing apparatus it appears that there is limited opportunity to divert existing drainage apparatus, and therefore Southern Water objects to the proposed development. If planning permission were to be granted, Southern Water (as the statutory sewerage undertaker) would request that the Council (as the Building Control Authority) refuse Building Regulations approval on the grounds that building over the public sewer cannot be permitted.

NB: Informative recommended.

Environment Agency

No comment.

Hampshire Highways

As the application is for 5 or less dwellings and features no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application.

Natural England - No Objection

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, 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 in the Council's strategic mitigation scheme

Portsmouth Water Company

We have no adverse comments on this application due to the small nature of the development.

Public Spaces

No comment.

Waste Services Manager

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments received.	

7 **Planning Considerations**

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 the 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 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. The applicant has entered into legal agreement to secure the mitigation packages.

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. The applicant has entered into legal a agreement and made the appropriate payments to secure the mitigation packages.

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) Highway considerations
- (v) Drainage
- (vi) Developer contributions

(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. This application has been submitted following an earlier refusal of permission under reference No. APP/18/00148, which was dismissed at appeal. The proposal is considered to be materially different to that dismissed at appeal, as it is for a 1 bed bungalow, as opposed to a 2 storey, 3 bed house.

The addition of 1 bungalow in this sustainable location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. The revised NPPF 2021 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 134 notes that:

" Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes". Adopted Policy C16 of the HBLPCS, requires designs to be of a high standard, which is reflected in Havant's Design Guide SPD. Therefore, significant weight should be given to this policy and guidance when determining the application, as advised by the NPPF.

It should also be noted that the Council has a Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally, other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

As regard the Council's Five Year Land Supply Update (February 2021) this indicates the Council has a 4.2 year supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Due weight should be given to this lack of 5 year land supply for housing.

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

Policy CS16 of the Havant Borough Local Plan (Core Strategy) (HBLPCS) requires that development "...is designed to a high standard, which helps to create places where people want to live, work and relax."

Policy CS16a) also states that development:

"Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;"

In addition Policy 16c) states:

"Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors."

The proposed dwelling is situated between a modest sized bungalow and a two storey detached dwelling, utilising the side garden of the bungalow. The plot is an irregular shape with a narrow frontage of approximately 6 metres extending to a width of approximately 15 metres along the rear boundary. The host dwelling and No 3 Sutton Road are set back from the highway. The proposal is marginally forward of the front elevation of the host dwelling.

The layout would result in the loss of vegetation and trees along the south west boundary, the latter of which does not have a significant amenity impact on the street scene and therefore not suitable to be the subject of a Tree Preservation Order.

The layout comprises of a dining/kitchen area, a dining room, an office, and a bedroom, with a floor area of 80.6 sqm , which exceeds the Government's nationally

described space standard, for a 1 bed bungalow. On site bin storage is proposed for both the host dwelling and the proposal.

There would be a 2m separation distance between the proposal and the host dwelling. There would be a minimum separation distance between the proposal and No 3 Sutton Road.

The material proposed are brick and tile, which would be reflective of development in the locality. Specific details of the proposed materials would be conditioned if permission was granted.

The design of the proposal is materially different to that dismissed at appeal. The appeal proposal was for a 3 bedroom, two storey house; the current application is for a 1, bedroom, 1 storey bungalow. The design of the bungalow would be reflective of development to the north east, which is that of a number of bungalows. That said the plot itself has not increased in size and as found by the Inspector the proposed use of the side garden "... would eliminate the space between the bungalows and two storey dwellings on this side of Sutton Road...". However, due to the material change to the height, mass, bulk and design of the proposal, which would sit more comfortably in the plot without appearing overbearing or dominant, on balance, the development would not have such a harmful impact on the visual amenity of the street scene, as to warrant a refusal of planning permission. The proposal therefore accords with policy CS16 of the Havant Borough Core Strategy 2011 and Havant's Design Guide.

(iii) Impact upon residential amenity

The amenity of occupiers most likely to be affected by the proposal are the host dwelling and No. 3 Sutton Road.

As to the host dwelling there would be a 2m separation distance between the proposal and this property. As to the potential impact on the host dwelling access to this property is on the side south west elevation. So coupled with a front door, there are two existing windows on this elevation, which are not windows to habitable rooms. Two windows are proposed on the north east elevation of the proposal; which would serve a bathroom and an office, the former of which would be conditioned to be obscurely glazed, with top openings only. It has been confirmed that the boundary treatment between the proposal and host dwelling would be a 1m at the front increasing to 1.6m. Therefore, this single storey bungalow, would not adversely impact on the residential amenity of the host dwelling, by reason of loss of privacy or overlooking. Due to the single storey nature of the proposal it would also not result in the loss of outlook or be bearing to the host dwelling.

As to the two storey dwelling to the south west, there would be a minimum separation distance of 2m at the narrowest point. No windows are proposed along the south west elevation of the development so privacy and overlooking would not be an issue. The single storey nature of the development would also not dominant or be overbearing to No 3 Sutton Road, which is a two storey dwelling house.

The amenity space provided for the new dwelling would be to the rear and commensurate with the garden depths of immediate development to the north east, following the demolition of the existing detached garage. However, due to a depth of 6m it is below that set out in Havant's Design Guide SPD, which normally seek a minimum of 10m. However, the garden widens to the rear, which at its widest point would be approximately 15m. Having regard to the specific circumstances of the

proposal, and on balance, the garden space provided is considered to be more than sufficient for the passive recreational requirements for this one-bedroom dwelling.

It is considered that the proposal would not result in a loss of outlook, privacy or appear overbearing to the host dwelling or No, 3 Sutton Road. The proposal therefore accords with policy CS16 of the Havant Borough Core Strategy 2011 and the adopted Havant Design Guide. It is noted that no objection to the proposal has been received.

(iv) Highways considerations

As to the access this is not being altered and would serve both the host dwelling and the proposal.

The proposal is for a 1 bedroom bungalow, with 1 car parking space proposed for the development, with 2 for the existing property, which has 2 bedrooms. Cycle storages for two cycles are proposed for both the host dwelling and the proposal. This complies with the car parking standards set out in Havant's Car Parking SPD.

(v) Drainage

Southern Water (SW) has been consulted who has raised an objection to the proposal, as there is a public surface sewer crossing the site. SW objected to the previous proposal for a dwelling on the site, which was not included as a reason for refusal. The planning position has not changed since the previous application and as dealt with before, if permission is granted for the development an informative would be recommended on the decision notice.

As to water consumption, a calculation has been provided that establishes that the total water consumption per person per day would be 100.53 litres. This would be within the target maximum consumption per day per person of 110 litres.

As to the pre commencement drainage condition this has been agreed with the applicant's agent.

(v) Developer Contribution and CIL

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.

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. The applicant has entered into legal agreements to secure the mitigation packages.

The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites 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.

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Waterlooville.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in new internal floor space for the proposal has been calculated by the agent as 80.6 sqm, which would be £7,296.27 at the time of writing the report. Exemption is being claimed.

8 Conclusion

The proposal addresses the previous reasons for refusal of planning permission for a dwelling on the site, due to a material reduction in height, mass, bulk and design of the development. The proposal would be a modest addition to the Council's housing stock with the necessary mitigation packages provided for the SRMS and for neutral nitrogen development. The development would not adversely impact on the appearance of the area or residential amenity and is acceptable in highway terms. The recommendation is conditional planning permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00554 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 & Block Plans - Drawing No. 001
Proposed Floor Plan - Drawing No. 002
Proposed Side & Front Elevations - Drawing No. 003
Proposed Side & Rear Elevations - Drawing No. 004
Proposed Roof Plan - Drawing No. 005

Site Plan & Street Scene - Drawing No 006
Water Calculation Document.
Design and Access Statement

Reason: - To ensure provision of a satisfactory development.

- 3 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.
- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. 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.
- 5 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 ground floor on the side elevation facing north 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.
- 6 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions to the dwelling the subject of the permission or 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.
- 7 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. 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.

- 8 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation submitted and approved 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.