
Site Address:	21 Park Avenue, Waterloo, PO7 5DN		
Proposal:	Demolition of existing bungalow and construction of a pair of semi-detached three bed dwellings.		
Application No:	APP/21/00144	Expiry Date:	22/04/2021
Applicant:	Mr Thew		
Agent:	Miss Barbu	Case Officer:	Lesley Wells
	CFW Architects		
Ward:	Purbrook		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site lies on the north side of Park Avenue. 21 Park Avenue is a bungalow, with a flat roof extension to the rear. The bungalow has off white rendered walls and slate tiles to the main roof, sited between two storey dwelling to the west and east. The area is residential in nature, with properties generally 2 storey in style. Vehicles access is off Park Avenue, with existing on site parking to the front of the property. There is an existing brickwall with evergreen hedging along the southern and eastern boundaries and a 1m brick wall along the western boundary to the front of the property.

The site falls within Flood Zone 1.

2 Planning History

None.

3 Proposal

Demolition of existing bungalow and construction of a pair of semi-detached three bed dwellings. Following the submission of the application, the proposal has been amended from 4 to 3 bed semis.

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)
CS20	(Transport and Access Strategy)
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 following issues have been noted

- 1) The indicated area of windows in the side elevations of the proposed houses is in excess of the allowable unprotected area as per the guidance given in Approved Document B Volume 1
- 2) The proposed building will be within 3m of a foul water public sewer shown on the map of sewers - running along the boundary between 19 and 21 Park Avenue
- 3) No provision for solid waste storage is shown on the submitted plans.

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 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.

Crime Prevention -Minor Apps - No Comments

Hampshire Highways - No Objection

The erection of two new dwellings will require the implementation of a new dropped kerb to provide vehicular access to one of the properties, whilst the other will be served by the existing dropped kerb. The applicant should note that a Section 184 licence will be required to implement the dropped kerb, details of which are available via the following link: <https://www.hants.gov.uk/transport/parking/droppedkerbs>.

In their capacity as local parking authority, Havant Borough Council should determine whether the proposed quantum of parking meets adopted standards.

Having reviewed the documentation submitted in support of the above planning application Highways Development Planning is satisfied that the proposal would have no detrimental impact on highway safety or operation. A recommendation of no objection would therefore be given.

Officer Comment: the need for a new dropped kerb has been added as an informative.

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 (**£738.05**), 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 (2 total dwellings but with one acting as a replacement) 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

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00144.

Public Spaces

No comment received.

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: 8

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Not in keeping with Park Avenues 1930s style houses. In-built garage to the front not in keeping - most are laid back on a shared driveway, if they have garages at all. Parking will be very problematic on what is already a very busy road. Cars are parked on the "odds" side of road. Park Avenue is used as a rat run for	See Section 7 below.

cars travelling to the motorway. 2 x 4 bedroom houses with 1 off road parking inadequate. Will there be adequate fire escapes etc for the bedrooms in the loft area? *The downstairs living area does not seem to be adequate enough for a four bedroom house Garages could be turned into living space.	Covered by Building control. Proposal amended to 3 bedrooms. See Section 7 below
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7 **Planning Considerations**

7.1 **Appropriate Assessment (AA)**

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 indicated a willingness to enter into legal agreement to secure the mitigation package.

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 agreements to secure the mitigation packages.

7.2 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) Access & Parking
- (v) Developer Contributions & CIL

(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.

The addition of a new dwelling in such a location would make a contribution, albeit a

very modest one, to the Council's overall housing requirements. The updated NPPF 2019 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 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...".

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.

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

The proposal is for a pair of semi detached two storey houses, with single flat roof rear extensions, with lanterns, front integral garages, hipped/flat roofs, with pitched roofed dormers to the rear and rooflights to the front, in a residential area of semi detached houses, bungalows and chalet bungalows. The integral garages to the front fall below the internal size standard of 3m x 6m as required by Havant's Car Parking SDP ie 2.3m x 6m. There are other examples of rear dormers in the roof of houses in the locality including number 19 Park Avenue adjacent to the west. The height of the proposal would be approximately 8.5m, with a total floor space of 315 sqm. The blocks of semis along this side of Park Avenue, are stepped back/forward from their neighbouring semis, due to the curvature in the road. The proposal is set slightly behind No. 19 and forward of No. 23, which is reflective of development along this side of Park Avenue.

As to garages on other properties in Park Avenue, where provided, they tend to be alongside or to the rear of the properties. However, Integral garages within the proposal are not considered to be out of keeping with the variety of house types and designs within Park Avenue. As to space around the semis, pathways along the sides to the rear are provided. These fall below 1m as set out in Havant's Design Guide ie approximately 0.8m at the entrances to the south. This is considered a sufficient width to gain access to the rear and would not be out of keeping with other side accesses to semis in the locality, which vary in width.

The proposal materials would be Crest Planum Duo Anthraeite concrete tiles for the roofs, Forterra Oakthore Red bricks with render for the walls and block paviours for the hard surfacing. This would be in keeping with residential development in the locality.

In conclusion, it is considered that the proposed development would have an acceptable impact on the character and appearance of the locality in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy).

(iii) Impact upon residential amenity

The site is located in a residential area, with semi-detached houses to either side. There would be a separation distance of approximately 3.2m to the west and approximately 2.6m to the east. At ground floor on the sides there would be 2

windows, serving, a stair well and the Kitchen/Living/Dining Room. These ground floor windows would not impact on the neighbouring properties, due to 1.8m fencing along the boundaries. At first floor on the sides there would be 2 windows serving an en suite and a bathroom. There are no side windows on the property to the west, with 2 small windows at first floor to the east. The imposition of obscure glazing on the windows on the east elevation would address any overlooking issues.

As stated above, development within this part of Park Avenue is staggered. The proposal would lie slightly behind the dwelling to the west and forward of the property to the east. As to the windows in the north and south elevations of the adjacent neighbouring properties, the 45 degree test has been satisfied with both of these dwellings. Therefore, the proposal would not adversely impact on the residential amenities of adjacent neighbouring properties.

The proposal's rear gardens would be over 11m. The back to back distance between the proposal and the existing residential development to the rear would be a minimum of 20 metres separation. This would accord with Havant's Design Guide and whilst this would lead to overlooking of gardens from the upper floors of the dwellings, this would be similar to those of neighbouring properties and to be expected within a residential area.

Consequently, it is considered that the proposal will not appear overbearing or lead to an unacceptable level of overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with regard to loss of residential amenity in respect of the scheme.

(iv) Access & Parking

To the west of the site there is an existing access, which would provide access to one of the properties. An additional access for the second property would be provided off Park Avenue. No objection to the additional access has been raised by the Highway Authority. The Highway Authority has advised that a Section 184 licence would be required for the second access, which is a recommended informative.

For a three bedroom house, two car parking spaces are required by Havant's Car Parking SPD. Two spaces are proposed to the front of each property. As stated above, the garages, which includes utility areas, do not comply with the size requirements in Havant's Car Parking SPD. Therefore, the garages do not count towards on site-parking and their possible conversion at a later stage, is not material to the determination of the application. However, they may provide cycle storage, with bin storage to the rear. The proposal accords with the requirements of Havant's Car Parking SPD and Policy DM13 of the HBLPCS.

(vi) Developer Contributions & 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 210 sqm, which would be £12,487.50 at the time of writing the report.

8 Conclusion

The proposal would not adversely impact on the street scene or residential amenity. In highways and parking terms the development is acceptable and the required ecological mitigation packages have been secured by way of legal agreements. The development is considered to accord with the development plan when considered as a whole and the National Planning Policy Framework.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00144 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:

Site Survey – Drawing No. 2197_21_01_01

Location & Block Plan -Drawing No. AP001

Proposed Site Plan – Drawing No. AP115G

Ground & First Floor Plan – Drawing No. AP110C

Second Floor & Roof Plan – Drawing No. AP111B

Proposed Elevations – Drawing No. AE210 E

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 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.

- 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 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.

- 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 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.

- 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 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 E12 and E14 of the Pre-Submission Havant Borough Local Plan.

- 9 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.