

Recommendation: **REFUSE PERMISSION**

CS21 (Developer Requirements)

CS9 (Housing)
DM13 (Car and Cycle Parking on Residential Development)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Havant Borough Residential Parking and Cycle Provision SPD 2010

Havant Borough Council Borough Design Guide SPD 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Southern Water

Southern Water requires a formal application for a connection to the public foul and surface water sewer - Informative Requested

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Planning conditions recommended.

Building Control

No comments

Waste Services Manager

No comments received

Crime Prevention -Minor Apps

No comments received

Development Engineer - Highways

The Highway Authority has no adverse comment to this application I would suggest that the Planning Authority condition two parking spaces to be provided for each property (the submitted plans only show one disabled space for unit two but this could be extended to 4.8 wide).

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: 5

Summary

Lack of Parking on street
Impact on visibility at corner
Tree removal acceptable
Impact of drives on existing parking
Houses out of keeping
Site too small for two houses
Congestion from school parking and children walking to school
Congestion from refuse collection and delivery lorries
Parking for scout hut
Size of parking spaces
Loss of TPO trees
Impact on bats

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the streetscene/character of the area
- (iii) Impact upon residential amenity
- (iv) Impact upon TPO'd trees
- (v) Highway matters
- (vi) Other matters
- (vii) 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.

(ii) Impact upon the streetscene/character of the area

The proposed development would result in the removal of the existing boundary trees (see (iv)), and the erection in two houses to the southern side of No.59. The site is such that the site is a difficult shape to be developed for two dwellings. It is reliant on land to the rear of No.59 and the plot sizes and shapes for two units would be out of keeping with the established pattern of residential development in the area.

Unit 2 would be prominently sited on the corner of Kings Road and Rest-a wyle Ave and would project closer to Kings Road than the existing position of buildings fronting this part of the road. The design includes a two storey gable set back from the pavement between approx 3 and 5 metres. The building would due to its very prominent siting and design result in a visually intrusive form of development to the detriment of the character and appearance of the streetscene.

It is noted that the two buildings would incorporate designs and materials contrasting with the established character of residential dwellings. This in itself would not be unacceptable in a less prominent position, however it is considered that the design adds to the contrast with the existing development and would further emphasise the inappropriate development in this prominent position.

Overall, the proposed development would be harmful to the character and appearance of the area.

(iii) Impact upon residential amenity

The impact on residential amenity should be considered in relation to the properties beyond No.59 and for the occupants of No.59 and the proposed dwellings.

The main impacts on properties beyond No.59 are considered to be to No.88, 113 and 115 Kings Road and to 40 and 57 Rest-a-wyle Ave.

No. 88 is set mainly to the rear of the existing property No.59 Rest-a-wyle Ave. There are two windows facing the application site in No.88, however, the set off is sufficient to reduce the direct impacts to an acceptable degree.

The properties on the opposite side of Kings Road 113 & 115 are set well off and there is only a small stairs window proposed to be facing south to these properties. This relationship is considered acceptable.

No.40 Rest-a-wyle Ave is on the opposite side of the Avenue. Whilst there would be primary windows in the proposed dwellings facing this property, this relationship would be similar to other properties and is considered acceptable.

Finally No.57 Rest-a-wyle Ave would have two rather than one garden backing onto their southern boundary. There is a boundary fence and this relationship is considered acceptable.

In relation to the future living environment for the occupiers of the new dwellings and No.59, the development will give rise to a sequence of restricted and contrived private amenity areas, serving a sequence of 2 and 3 bedroomed dwellings - i.e. dwellings likely to be occupied by families. The general configuration of these areas is such that they are considered to fail to meet the objectives of the Borough Design Guide SPD, which looks to the provision of usable private amenity areas of 10m general depth in connection with new dwellings. For all three dwellings the garden widths and in some parts depths would fail to provide suitable outside amenity space contrary to the Councils Borough Design Guide.

Whilst it is noted that the applicant intends for the southernmost 2 bedroom dwelling to be designed with his medical needs in mind, and this argument might support a smaller than typical garden area being provided, it remains the case that the other two dwellings (the 3 bed and No 59 existing) would be available for general purpose family occupation; whilst the 2 bedroom dwelling could well also accommodate a family in future.

(iv) Impact upon TPO'd trees

The application would require the removal of a number of TPO'd trees. This has been discussed with the Councils Arboricultural Officer who raises no objection subject to suitable replacements being provided. The landscaping proposed is considered to be appropriate and better suited to the residential environment proposed to be created than the existing highly dominant TPO'd trees.

The removal of TPO'd trees would however require a separate consent as they are not included in the description of the development applied for.

(v) Highway matters

The proposal would result in an additional access to Kings Road with one disabled parking space shown for Unit 2. Two spaces would be required for this Unit to meet the Councils Residential parking standards. Two spaces would be provided for unit 1. The existing dwelling would also need to be provided with accessible parking - 2 spaces. As such the parking shown on the submitted site layout plan does not demonstrate that it meets the requirements of the parking standards. Whilst parking could be secured by planning condition (as the spaces required would be within the red line application site) this would further open up the frontages of the site. On balance a planning condition could address both this and secure cycle parking. If the decision is appealed a condition would be required in relation to this matter.

(vi) Other matters

It is understood that one of the units would provide a suitably designed dwelling to meet the applicants ongoing health requirements. Whilst this requirement is appreciated and can be considered to be a material planning consideration, this needs to be assessed against the harm identified above in relation to the erection of two further dwellings on the site. It is considered that this harm outweighs the social benefit that would accrue from the provision of unit 2 alone.

Concern has been raised by a third party in relation to bats using the trees proposed to be removed. A separate consent would be required to fell the trees. Bats are a protected species under the Wildlife and Countryside Act. Planning permission in this case is recommended for refusal.

(vii) Developer contributions

In relation to developer contributions, should permission have been recommended for approval it would be CIL liable. It is noted that Self Build exemption has been claimed in relation to unit 2. An informative will be added in relation to CIL in the Decision Notice.

This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June 2014 require a payment of £176 per dwelling to the Solent Recreation Mitigation Project together with £20 administration and £8.80 monitoring fee. As the proposal is recommended for refusal the SRMP has not been pursued at this stage.

8 Conclusion

In conclusion whilst some form of residential development in this area is acceptable in principle, the development would be harmful to the character and appearance of the area and would fail to provide adequate external amenity space for the three resulting dwellings. Furthermore it fails to secure adequate mitigation measures to offset the impact of additional recreational pressure on the coast. The recommendation is therefore to refuse planning permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/16/00399 for the following reasons:

- 1 The proposed dwellings would by reason of their number, siting, height, mass, bulk and design lead to a cramped and visually intrusive form of development at this prominent corner location. This would be harmful to the established pattern of development and the character and appearance of the area. The development is therefore considered contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Design Guide Supplementary Planning Document 2011 together with the National Planning Policy Framework 2012.
- 2 The proposed development would result in contrived and unacceptable amounts of private outside amenity space for the future occupiers of the two proposed dwellings and for the occupiers of the retained dwelling No.59 Restawyle Avenue. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.
- 3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.