
Site Address: Land adjacent to 1 Westland Drive, Waterloooville, PO7
5UG
Proposal: Construction of 1No. detached 3 bedroom dwelling with associated
parking and access, landscaping and refuse cycle store.
Application No: APP/20/00551 Expiry Date: 09/09/2020
Applicant: Mr Marsh
Agent: Mr C Flint Case Officer: Lesley Wells
Chris Flint Associates Ltd
Ward: Stakes

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located within a predominantly residential area with the mature landscaped grounds of Crookhorn College opposite. 1 Westland Drive is a corner plot, with the classified road Stakes Hill Road forming the eastern boundary. There is an existing close boarded fence fronting the northern boundary to Westland Drive with an electricity sub station at the western end. The land slopes up to the east such that Stakes Hill Road is higher than the plot with wooden fencing and some hedging and trees along the southern and eastern boundaries.

The site falls lies within Flood Zone 1.

2 Relevant Planning History

- HWU_1960 (Jul 1952): Use of land and buildings for light industrial purposes at industrial school, Stakes Hill Road.
- HWU_2098 (Oct 1952) : Use of former school for light industrial purposes.
- HWU_4164 (Dec 1955): (Siting of Caravan).
- 16547/G (Aug 1964): Residential Development of former approved school site, Stakes Rd. Purbrook.

3 Proposal

The proposal is for the construction of 1No. detached 3 bedroom dwelling with the creation of a new access, associated parking, landscaping and refuse cycle store.

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)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
DR1	(Delivery of Sustainable Development)
E20	(Drainage infrastructure in new development)
IN1	(Effective provision of infrastructure)
E2	(Health and wellbeing)
E1*	(High quality design)
E3	(Landscape and settlement boundaries)
E12	(Low carbon design)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No objection. No trees of TPO quality on the site. Trees to be retained can be adequately protected as per the tree report.

Building Control

It should be ensured that the South elevation is at least 1m from the site boundary. If closer than 1m the unprotected area of the wall formed by windows and doors is more than permitted.

Community Infrastructure

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/unilateralundertaking-solent-recreation-mitigation-strategy>.

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Councillor Diana Patrick

No comments received.

Councillor Dianne Lloyd

No comments received.

Councillor Gary Hughes

No comments received.

Councillor Husky Patel

No comments received.

Councillor Ms C Howard - Purbrook Ward

No comments received.

Councillor S Milne

No comments received.

Crime Prevention -Minor Apps

No comments received.

Environment Agency

No comments received.

Environmental Health - Contamination - Final Comment - No Objection Observations / Comments:

The development land is brownfield, previously forming part of the Purbrook Industrial School complex. The school was constructed sometime between 1867 & 1898, with additional buildings constructed by 1932. The label 'industrial school' also suggests that some practical activities may have been undertaken – e.g. metalwork, coating activities, mechanical engineering etc., which could have contaminants associated.

I have reviewed the planning history for the site, and I note the following;

- **HWU_1960 (Jul 1952): Use of land and buildings for light industrial purposes at industrial school, Stakes Hill Road.** Refers to a need to 'improve access for loading & unloading' (implying that industrial purposes are at reasonable scale)
- **HWU_2098 (Oct 1952) : Use of former school for light industrial purposes.**
- **HWU_4164 (Dec 1955): (Siting of Caravan).** Applicant refers to interest in adjacent land, which is referred to as 'Purbrook Depot'
- **16547/G (Aug 1964): Residential Development of former approved school site, Stakes Rd. Purbrook.**

School sites are not uncommonly affected by the presence of asbestos and lead within made soils, as well as contamination from kerosene / gasoil associated with liquid fuel fired space-heating systems. Depot sites are often affected by fuel-range hydrocarbons, PAH, asbestos, and other metals. Light industrial processes may involve the storage, handling and use of a range of potentially contaminating substances.

Unfortunately, the planning archive includes little information to assist in identifying which areas of the former school may have been used for the storage, handling, or use of potentially contaminating materials (or the undertaking of potentially contaminating processes).

The main building façade is coincident with the northern boundary of the application land. This façade includes a small projection in earlier map issues which is coincident with the application land, possibly indicative of a store or boiler house. A collection of buildings was formerly present to the west of the main building, with some of these being coincident.

Where relevant averaging areas are small (as in this case), the probability that contaminants present within soils could make the site determinable as contaminated land increases (as there is an increased probability of interaction with the affected soils).

Given the presence of the sub-station, it is not clear that the application land currently benefits from an existing 'residential' landuse. Irrespective, planning policy will apply to a new development irrespective of whether a change of use is involved, and I would highlight the provisions of NPPF paragraphs 170 & 178-179, local plan policy DM10, and allocations plan policy DM17.

Considering this above, it would be appropriate to seek a proportionate shallow site investigation to confirm acceptable ground conditions (contamination risk), and to secure targeted remediation or risk mitigation to achieve an adequate degree of protection to future occupants. As it is a small site, it is considered appropriate to dispense with the need for an environmental desk study.

Suggested condition wording below;

Contamination (Standard – omitting EDS) [1]

Prior to the commencement of development hereby approved (other than any site clearance, or demolition of above-ground structures), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;
 - appropriately considered remedial objectives,
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
 - clearly defined proposals for mitigation of the identified risks.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future occupants of the residential development. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."

Verification (Standard) [2]

Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future occupants of the residential development. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."

Informative [1] – Guide to scope of required Site Investigation

"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. The developer should be aware that liability for contamination does not necessarily transfer to subsequent owners of land. Conditions numbered [1] & [2] have been imposed in response to contamination risks which exist at the site in connection with the structures present prior to its residential tenure, and which may be associated with the adjacent Electricity Substation. Given the known history of the site, Havant Borough Council does not consider that an environmental desk study is necessary to guide an appropriate / proportionate intrusive investigation. The Council does not expect the investigation required by condition [1] to consider risks to persons or environmental receptors external to the red-line boundary to which this consent relates, unless initial results indicate the presence of a significant- & previously unknown- source of contamination which is likely to be mobile. The Council expects the sampling suite to include CLEA metals, PAH16, TPH & Asbestos screen at a minimum, with at least one sample from an appropriate location to be tested for PCB's. An investigation depth limited to 1m below existing ground levels-, or to the base of contamination-impacted made soils if deeper-, is expected to be adequate to characterise the risks posed to future occupants.

It is recommended that soil samples are not collected from depths shallower than 150mm below existing ground levels, in order to avoid highly localised deposits at the ground surface"

Case Officer Comment: The applicant's agent has agreed the above pre-commencement condition and the recommended drainage pre-commencement condition.

Environmental Health - Initial Comment - No Objection

The Airtight & Noisecheck Limited acoustic testing report dated 21 June 2021, has concluded, under Item 7 of the report 'Results summary', that noise from the existing on-site electrical substation, will have no adverse impact on any future residents of the proposed new dwelling unit.

Therefore I have no further concerns that the above substation may impact on any future residential receptors of the proposed site.

As advised previously in my memo of 15 April 2021, Ref: Cons/21/01000, if the Planning Authority is minded to grant consent for this application, I would ask that the condition and informatives, as previously requested in the aforementioned memo, be added to any positive decision notice.

Environmental Health - No Objection

I have concerns for the possibility of low frequency noise from the existing substation, impacting on future residential receptors, especially due to the short distance between the existing substation and the proposed dwelling facade. I would therefore suggest that the applicant liaise with the electrical body responsible for substations in this area, to ascertain at what distance the dwelling should be sited from the existing substation to ensure no noise nuisance impact, or alternatively what mitigation measures can be implemented if necessary, to ensure no impact.

In addition if the Planning authority is minded to grant consent for this application, I would ask that the following condition and informatives be added to the decision notice:

Condition 1:

The applicant to confirm that the measures to be employed with regard to the building envelope, including fenestration and ventilation, for this residential unit, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. Similarly for traditional external areas that are used for personal amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq with an upper guideline value of 55 dB LAeq in noisier environments.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise.

Informatives:**Regarding Hours of Work:**

You are hereby advised to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 – 18.00 and Saturday: 8:00 – 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Regarding Bonfires:

You are hereby advised to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of nearby residential properties from smoke pollution.

Regarding Dust Control:

You are hereby advised to ensure that appropriate measures are employed for the control of any dust that might emanate from the development site, during any excavation, clearance and construction works. .

This is in order to protect the occupants of nearby residential properties from dust nuisance.

Regarding external lighting: You are hereby advised to ensure that if any external floodlighting or other form of external lighting scheme is to be installed in connection with this development, that it shall not cause a light nuisance issue to any neighbouring property. If you should have any queries in this regard you are asked to contact the Environmental Health Pollution team, at Havant Borough Council.

This is in order to protect the occupants of nearby residential properties from light disturbance / nuisance

Hampshire Highways - No Objection

Following the Highway Authority's response dated 31st July 2020, the applicant has submitted a drawing demonstrating the proposed parking spaces and the location of the access with associated visibility splays.

The visibility appears to be taken from a 2.4m setback which demonstrates that the visibility is achievable in both directions, albeit the westbound splay is slightly clipped by the adjoining property's land ownership. Given that Westland Drive is a cul-de-sac serving a low number of dwellings, and therefore a low level of traffic flow, this is not considered to be an issue. To construct the access, the applicant will need to apply for a Section 184 licence, details of which are available via the following link:

<https://www.hants.gov.uk/transport/developers/section-184>.

In their capacity as the parking authority, Havant Borough Council should confirm that the proposed level of parking complies with adopted parking standards.

Condition:

ACCESS CONSTRUCTION PROVISION

No occupation shall take place until the access, including the footway and/or verge crossing shall be constructed in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason - To provide satisfactory access and in the interests of highway safety

Policy - comment

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00551.

Natural England consultation O?S

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.

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 all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

Solent Recreation Mitigation Strategy

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.

Deterioration of the water environment

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Budds Farm WwTWs. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Public Spaces

No comments received.

Southern Electric

No comments received.

Waste Services Manager

No comments received.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None	

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 has entered into legal agreements 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 agreements to secure the mitigation packages. Unilateral Undertakings have been completed and returned for the Solent Mitigation Recreation Strategy and for the nutrient mitigation.

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 existing and future residents
- (iv) Parking & Access
- (v) Trees
- (vi) Habitats Regulations Assessment/ 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. Policy CS9 supports new dwellings which help the Borough achieve its allocated housing requirement and therefore the principle for an additional dwelling is acceptable in this location.

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

The proposal lies within a mainly residential area. The development would be sited to the east of Westland Drive, within its existing garden, at the corner with Stakes Hill Road. The host dwelling is on a deeper and wider plot, than the application site, which is narrower and oblong in shape, with an existing electricity sub-station fronting Westland Drive to the north. Bin and cycle storage would be to the south of the sub station. A new access is proposed onto Westland Drive to the east of the sub-station. Along the boundaries of the plot is a 1.8m high close boarded timber fencing, with some tree and vegetation along the eastern and southern boundaries.

The proposal is for a two storey, three bedroom house, with a pitch roof, with a height of 7.5m. The material proposal would be brick and render with concrete tiles. The design is traditional in nature, which would be keeping with the residential character of the area.

Whilst the proposal would utilise part of the garden area of 1 Westland Drive, due to the 1.8m high fencing around the plot and existing vegetation and trees its appearance is not that of an open area. The proposal would be closer to the road, than other development within Westland Drive. However, the proposal would be in line with development to the south which is of a similar traditional design and on balance, would be in keeping with the character and appearance of the area and accord with Policy CS16 of the Havant Borough Local Plan (Core Strategy) HBLPCS.

(iii) Impact upon existing and future residents

The proposal would be sited in the side garden of 1 Westland Drive. The existing rear garden of the host dwelling is approximately 7.6m in length, which falls below the 10m depth normally required by Havant's Design Guide SPD. However, the host dwelling would retain a garden area to the side of approximately 12m in length, with a width of approximately 8.4m. Therefore, it is considered that the host dwelling would retain an appropriate sized garden area in accordance with Havant's Design Guide SPD.

Due to the road layout which curves to the south leading up to Stakes Hill Road and the narrower and oblong nature of the site, the host dwelling is further forward than the proposal. The separation distance to the flank wall of the host dwelling would be approximately 16m. There are two windows on the flank wall of the host dwelling at ground floor level, with a 1.8m fence along the western boundary.

The proposal would be two storey with the access to the property on the west elevation. At first floor on this elevation there would be one window which would service an en-suite, which would be obscurely glazed. Therefore there would be no overlooking of the host garden to the west, or to development to the south. Due to the separation distance of the proposal to the host dwelling (ie 16m) the development would not appear to be over bearing or dominant.

As to space around the proposal, to the north there would be a gap of 1m and to the south this would be between 1.4m and 0.8m, with a rear garden length of between 11m to 14m. This would be in general conformity with Havant's Design Guide SPD. The rear garden would back onto Stakes Hill Road, which would be reflective of development to the north, with a 1.8m wooden fence along the boundary.

There is an existing electricity sub-station to the front of the dwelling, which would be approximately 4m to the west of the front of the dwelling. Southern Electric has been consulted, who did not comment on the proposal. Environmental Health (EH) was also consulted who suggested that the applicant liaise with the electrical body responsible for the substations in the area to ascertain an appropriate distance to ensure no noise nuisance or alternatively what mitigation measures can be implemented if necessary, to ensure no impact. If minded to grant a condition regarding noise levels and informatives were recommended.

In response the agent submitted an 'Acoustic Testing Report', which EH was consulted on, following which no concerns were raised about the proposal, with the previous suggested condition and informatives recommended.

On the south elevation of the proposal at first floor there would be one window serving a bathroom which would be obscurely glazed. As to the dwelling to the south there is a first floor window to a landing and one on the ground floor, with a 1.8m wooden fence in between. Due to a separation distance of approximately 5m and the orientation of the proposal to the north, the development should not materially impact on the residential amenity of the property to the south.

As to development on the opposite site of Westland Drive, due to the separation distance of approximately 19m, the proposal would not significantly impact on the residential amenity of the occupiers of these properties. However, in the interest of neighbouring residential amenity, it is recommended that permitted development rights as to extensions to the dwelling and the erection of outbuildings are removed.

It is noted that no objection has been received in respect of the proposal.

(iv) Parking & Access

A new vehicular access is proposed onto Westland Drive, to the east of the sub-station. The Highway Authority was consulted over the proposal and following amended plan has raised no objection, subject to conditions that secure the construction of the access, including the footway and/or verge crossing being provided before occupation and that the lines of sight splays are kept free of any obstruction exceeding 1 metre in height. Conditions to this effect are recommended.

Two car parking spaces and cycle racks would be provided for this three bedroom dwelling, which would accord with the requirements of Havant's Car Parking SPD and Policy DM13 of the HBLPCS.

(v) Trees

The Arboricultural Officer has been consulted over the proposal and is of the view that there are no trees of TPO quality on the site and those that are to be retained can be adequately protected as per the submitted tree report. A condition to this effect is recommended.

(v1) Habitats Regulations Assessment/ 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 entered into a 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 applicant has entered into legal agreements to secure the mitigation packages.

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 dwelling has been calculated by the agent as 102 sqm, which would be £12,167.14.

8 Conclusion

The proposal would not be out of keeping with the character and appearance of the area, or adversely affect the amenity of existing and future residents. The proposal would also be acceptable in highways, trees and arboricultural terms and the appropriate mitigation secured. The recommendation is conditional planning permission,

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00551 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:

Application Form
Arboricultural Method Statement dated March 2020 by Bernie Harverson
Acoustic Testing Report by Airtight Noisecheck
Tree Protection Plan - Drawing No. BJH 03/04
Tree Constraints Plan - Drawing No. BJH 01/02
Site Location Plan, Site Levels, Elevations, Proposed First and Ground Floors - Drawing No. CFA FULL BS
Block Plan, Elevations - Drawing No. CFA FULL BS
Proposed Development Architectural Illustrations - Drawing No. CFA FULL BS

Reason: To ensure provision of a satisfactory development.

- 3 No occupation shall take place until the access, including the footway and/or verge crossing shall be constructed in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and 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 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.

- 5 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.

- 6 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 south and west elevation facing 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.

- 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 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions to the main dwelling 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.

- 9 The development hereby approved shall be undertaken in accordance with the Arboricultural Method Statement produced by Bernie Harverson, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To secure the conservation and enhancement of existing natural features and having due regard to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 The fencing along the boundaries of the site shall be retained and maintained at a height of 1.8m, unless otherwise agreed in writing with the Local Planning Authority.

Reason In the interest of the amenity of the area having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Prior to occupation of the development hereby permitted a report shall be submitted to the Local Planning Authority in writing to confirm that the measurements employed with regard to the building envelope, including fenestration and ventilation, for this residential unit, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq, 16 hour and at night (23:00 to 07:00) 30 dB L Aeq, 8 hour for bedrooms. Similarly, for traditional external areas that are used for personal amenity space, such as gardens and patios the external noise level does not exceed 50 dB LAeq with an upper guideline value of 55 dB LAeq in noisier environments.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 Prior to the commencement of development hereby approved (other than any site clearance, or demolition of above-ground structures), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;
 - appropriately considered remedial objectives,
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
 - clearly defined proposals for mitigation of the identified risks.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future occupants of the residential development. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework.

- 13 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”).

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future occupants of the residential development. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework.

- 14 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 15 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.