

DELEGATED OFFICER REPORT

Site Address:	Land to the rear of 57 London Road, Cowplain, Waterloooville, PO8 8UJ		
Proposal:	Erection of a detached two bed dwelling, following demolition of existing wall, with associated parking and access.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00292	Expiry Date:	24/06/2024
Applicant:	Mr Kirkpatrick Trustees of the Barford Trust		
Agent:	Mr Stephen Andrews	Case Officer:	Abdi Dirir
	SDA Planning and Architecture		
Ward:	Cowplain		

Recommendation: **GRANT PERMISSION**

1. Site Description

The site is located on land to the rear of 57 and 57a London Road, Cowplain, Waterloooville. This part of Cowplain is located within Cowplain District Centre with 57 and 57a being a secondary frontage. No.57 is Cowplain Café & Restaurant at ground floor level and appears to have accommodation at first floor level. No.57A is Gino's Barbers with 57C and 57D providing flats at first floor level. The frontage properties are two-storey and chalet style pitched roof buildings.

The site itself is an area of hardstanding and rough vegetation. Part of the area appears to have been used for outdoor seating in association with the frontage uses. To the north of the site is the access from London Road with private parking to the rear of No.59. To the west of the site is a fenced area of private parking. There is a large area of pay and display parking. The car park includes a Public Convenience. Finally, to the south of the site is a further private parking area.

The site lies within Flood Zone 1 and would remain so with climate change.

2 Planning History

57 London Road

APP/19/00173 - Change of use from A1 off licence to A3 cafe/restaurant with extraction duct to side (approved 17.5.19). Request to discharge condition no. 3 (rec'd 24.9.19), PERM,17/05/2019

Application Site

APP/21/00433 - Erection of a pair of semi-detached 1 bed dwellings, following demolition of existing wall with associated parking and access., REF,17/11/2021
Appeal Dismissed 28/11/2022.

HBC Refusal reason:

By reason of size, siting and design, the proposal would constitute an undesirable overdevelopment of the site and appear cramped and have a contrived layout not in character with the pattern of development in the locality. Furthermore, the proposed

parking area would dominate the appearance of the site and be uncharacteristic for a new small residential development further indicating the overdevelopment of the site. The proposal would have an adverse effect on the character of the area and also the lack of any private garden amenity area and poor outlook from habitable rooms would result in unacceptable living conditions for future occupants/owners of the proposed dwellings. As such, the proposal conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, The Havant Borough Design Guide Supplementary Planning Document 2011, emerging policies E1 and H1 of the Submission Version Havant Local Plan and the National Planning Policy Framework 2021.

Inspectors Appeal Decision (conclusions):

Conclusion

16. I have found that the development would harm the character and appearance of the area, and result in poor living conditions for future occupants. For those reasons, I consider that the scheme would conflict with the development plan when taken as a whole.

17. The Council is currently only able to demonstrate a 3.9 years' supply of housing land, which is less than that required by national planning policy. In such circumstances, paragraph 11 of the National Planning Policy Framework says that planning permission should be granted unless policies in the Framework provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

18. In this case the provision of 2 additional dwellings would be beneficial in helping to meet housing need, especially given the shortfall in housing land, and therefore carries weight. However, I consider the adverse impacts identified above are significant and would demonstrably outweigh the provision of 2 small units of accommodation, beneficial though that would be. The presumption in favour of sustainable development does not therefore apply in this case.

19. The development would conflict with the development plan when taken as a whole, and there are no material considerations which outweigh that conflict. Accordingly, I conclude that the appeal should be dismissed.

3 Proposal

Erection of a detached two bed dwelling, following demolition of existing wall, with associated parking and access.

The proposed dwelling would be two storeys with a pitched roof. The building would be orientated with the main windows facing north and south. The proposed materials would be off white render with vertical cladding detail on the front elevation between windows. Grey plain tiles are proposed for the roof.

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
CS4 Town, District and Local Centres

CS9	Housing
CS14	Efficient use of Resources
CS16	High Quality Design
CS17	Concentration and Distribution of Development within the Urban Areas
CS21	Developer Requirements
DM13	Car and Cycle Parking on Residential Development

Havant Borough Local Plan (Allocations) July 2014

AL1	Presumption in Favour of Sustainable Development
AL3	Town, District and Local Centres
DM18	Protecting New Development from Pollution
DM24	Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No comments received.

Community Infrastructure

No comments received.

Councillor Andrew Briggs

No comments received.

Councillor D Keast - Cowplain

No comments received.

Councillor Neil Bowdell - Cowplain

No comments received.

Southern Water

Following the review of the submitted documents, we have the below comments for the Planning consultation.

Protection of Public Apparatus

Please find the attached extract from Southern Water records showing the approximate position of a public sewer within 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 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water

- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works. Please refer to: Microsoft Word - DS Stand off distances V1.1NEW.docx (southernwater.co.uk)

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

Foul and Surface Water Drainage

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

HBC Ecologist

Final Comments:

If you are minded to grant permission, I would recommend that all BNG requirements are secured through condition. Recommended condition wording is provided below.

A Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Small Sites Metric (Stephen Andrews, 26 May 2025) and must include: (1) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat; (2) the pre-development biodiversity value of the on-site habitat; (3) the post-development biodiversity value of the on-site habitat; (4) any registered off-site biodiversity gain allocated to the development and the value of that gain in relation to the development; (5) any biodiversity credits purchased for the development; (6) and any such other matters as the Secretary of State may by regulations specify.

The development shall not commence until a Habitat Management and Monitoring Plan

(HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- (7) a non-technical summary;*
- (8) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- (9) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- (10) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- (11) the monitoring methodology and frequency in respect of the created or enhanced habitat.*

Notice in writing shall be given to the Council when the:

- (1) HMMP has been implemented; and*
- (2) habitat creation and enhancement works as set out in the HMMP have been completed.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Further Comments:

The submitted BNG Metric contains errors again. This time, there are red box errors showing that trading rules are not met – essentially, habitats created must be in the same distinctiveness type as those being lost. In this case, the loss of Bramble Scrub must be replaced with the ‘Same broad habitat or a higher distinctiveness habitat required’. The proposal is to replace this with ‘Vegetated Garden’ which is not the same broad habitat or of higher distinctiveness. The site will contain new hedgerow habitat plus new trees, which is welcome.

It is for the applicant to ensure that the Metric does not show error messages and to resolve these where they occur.

Further Comments:

The metric itself provides error messages to show where the errors are.

The issue here is that the habitats listed in the earlier metric are now missing, and I’m not sure what he’s done in terms of filling it in.

I think we just need to say that the metric is showing errors and that these need to be resolved by the applicant.

Further Comments:

I think the applicant needs to revisit their BNG Metric. The habitat appears to be just Bramble scrub rather than the Hedgerow with Trees that they’ve included in the Metric. I don’t have time (or inclination) to re-do the Metric for them, but I am pretty sure that the habitat could be described more accurately. That would then presumably allow

them to meet the BNG requirements more easily.

Original Comments:

The application is not accompanied by any detailed ecological assessment although does include a completed Small Sites Metric in relation to Biodiversity Net Gain, for which this proposal is eligible.

The site comprises an expanse of sealed hard surfacing situated within a densely developed location. The proposed site does contain two discrete areas of what is described as overgrown vegetation on the site plan and as 'native hedgerow with trees' of medium distinctiveness in the BNG Metric. I would suggest that clarification is sought on the character and quality of this habitat: does the area to be affected actually contain trees and is it of moderate quality? If it is simply a species-poor length of hedgerow then it may be more accurately described as of low distinctiveness. The reason I raise this issue is that the loss of the stated medium distinctiveness hedgerow with trees results in an overall loss of biodiversity units which would require either further plantings on site, or off-site provision. From my review of online imagery dating to April 2022, the habitat appears to be overgrown Bramble scrub. Please can the applicant clarify this issue, perhaps with recent site photographs showing the vegetation?

Following confirmation of this matter, it is the obligation of the applicant to ensure that a Biodiversity Gain Plan (and any necessary supporting information) is provided prior to commencement of development. The Gain Plan will need to include full details of how 10% BNG will be achieved. The applicant should be aware that they are responsible for securing any off-site BNG units: without the Gain Plan development may not be commenced. The market for off-site BNG units (or parts thereof) is embryonic and the applicant may find difficulties in securing the necessary habitat. In that case, it may be necessary to provide all or some of the BNG requirement within the application red line. Any significant on-site BNG will need to be secured through a planning obligation.

Following clarification of the matters detailed above I can provide finalised comments.

If you have any queries, please don't hesitate to contact me.

Engineering/Drainage

No comments received.

Environment Agency

No comments received.

Environmental Health

No comments received.

Hampshire Biodiversity Information Centre

Within 100m Notable and protected species Bats roosting

Officer Comment: *It is not anticipated that the development without demolition is likely to negatively impact bats.*

Hampshire Highways

The Highway Authority wish to make the following comments.

Due to the scale of the proposal, being 5 dwellings or less, and that there is no new vehicular access on the public highway, 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. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

I trust that the above is clear but please do not hesitate to contact Sophie Osborne on the above contact details should you require any further information.

HBC Environmental Services

No comments received.

Norse South East, Operations Director

No comments received.

Portsmouth Water

Thank you for consulting Portsmouth Water, we have reviewed the application and have no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission.

Line search response:

Please find attached the plan(s) showing the approximate position of water mains at the requested location.

Service connections are not shown but it should be assumed that all premises are supplied from the water distribution network. Other connections not related to properties, such as field supplies, may also exist so we would suggest a visual/CAT scan/Ground Radar survey is undertaken prior to any hand or mechanical excavation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. This documentation is available at <http://www.hse.gov.uk/pubns/priced/hsg47.pdf>

Copies of guidance notes: Working near distribution apparatus and Guidance for working near or over a Trunk Water Main are enclosed. Please read carefully as the conditions will apply to any work you undertake in the vicinity of Portsmouth Water assets.

It is important to ensure that a copy of the above guidance is provided to those undertaking any work which may affect our apparatus.

Please note Portsmouth water has no responsibility for any underground drainage or sewerage infrastructure. Enquiries regarding these assets should be directed to the relevant authority/company.

Property Services Manager

No comments received.

Southern Gas Networks - stage 1 (Line search response)

Please find an extract from our mains records for your proposed work area, any SGN assets are described in the map legend. On some occasions blank maps may be sent to you, this is due to your proposed work being in a no gas area but within our

operational boundaries.

This mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

Scottish & Southern Electricity Networks (Line search response)

We have sent you the plans of our network records within the area requested. You will shortly receive responses each of the following; any High Voltage Mains cables and Low Voltage Mains cables.

Attached to this email is the 'Guide to Interpreting' which includes the legends for the plans on pages 7-9.

If a Service Cable is not shown on our maps sent, and you require the Cable to be Traced, please contact the General Enquiries Department on 0800 048 3516 (option 3) or via email, ge@ssen.co.uk

If you need further information on our network in this area or a quotation for any required works, please contact the Connections & Engineering Department on 0800 048 3516 or via email, connections@sse.com

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: 30

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 0

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 character and appearance of the area
- (iii) Impact upon residential amenity (existing and proposed residents)
- (iv) Highways issues
- (v) Impact on the Cowplain District Centre
- (vi) Ecology and BNG
- (vii) HRA/AA requirements
- (viii) 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 Council is currently unable to demonstrate a 5-year housing supply, and currently the Council can only demonstrate a housing land supply of 1.3-years with a 20% buffer. It is considered that the proposed dwelling would make a very modest contribution to housing need.

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

The site is located to the rear of commercial properties fronting onto London Road some with flats above. Given the set back from the main road and the intervening buildings the new single dwelling would not be readily visible from London Road.

The proposed dwelling would be visible when viewed from vehicular access route to the north of the site between London Road and the public car park to the west. The proposed building would appear traditional in design terms and would be in keeping with the character of the established developments in the vicinity. The proposed two-storey house will have a pitched roof white render and cladding. This is considered to have an acceptable appearance from the north.

There would also be views from the public car park to the west beyond a small private

parking area. Given the siting of the dwelling the building would be set well off the public car park and viewed in the context of the properties fronting London Road.

Overall, the proposed dwelling would have an acceptable impact on the character and appearance of the area.

The previous scheme with planning ref, APP/21/00433, was refused and following an appeal, the inspector upheld the Council's reasons for refusal. The refused scheme was for the construction of a pair of semi-detached dwellings which was considered to be an overdevelopment and harmful to the character of the area.

(iii) Impact upon residential amenity (existing and proposed residents)

Existing residents

The site is located in the Cowplain District Centre with the properties to the east forming part of the Secondary Frontage as defined in policy AL3 of the Havant Borough Local Plan (Allocations) 2014. At ground level the properties are generally in commercial use with flats above.

To the south of the site there appear to be residential flats at 53A and 53B and 55A; to the south east is 57 a café with what appears to be a residential use above, to the east No 57A has an office area above 57C; and to the north east beyond the access is No. 57B.

The flats to the south (53A and 53B and 55A) appear to be at first floor level. Given the angles between the rear windows of the flats and the rear windows to the proposed dwelling it is not considered that the relationship would result in unacceptable overlooking. In addition, the proposed dwelling is located to the north of these properties, and this avoids any significant loss of light/sunlight.

The possible residential flat above No.57 has a rear window which would overlook the proposed rear garden of the new dwelling, however, given the angle between windows there would be no direct overlooking between windows. Given the orientation of the proposed dwelling to the north there would not be an unacceptable impact on light.

No.57C may be a first floor flat although the planning history suggests that this is an office. If residential use can be established, it is noted that the first floor window is set well back from the ground floor element. It would face the flank wall of the proposed dwelling at a distance of approximately 6m. There would be a landing window in the new dwelling which would not result in unacceptable overlooking. Whilst there would be some impact on evening light to the rear window at 57C, this impact is relatively limited due to the orientation and would not warrant a refusal of planning permission.

No.59B is set off the rear of the proposed dwelling such that the new dwelling would look directly over a rear parking area, any views between first floor windows would be at an angle. Whilst there would be an increase in the use of the access this would be limited given the single dwelling proposed. Any impact on light would be limited given the siting of the proposed dwelling.

Overall, it is considered that the provision of the single dwelling would have an acceptable relationship to nearby flats and given the urban nature of the site in the Cowplain District Centre the development would not on balance result in impacts sufficient to warrant a refusal of planning permission.

Future Residents

With regard to the amenities of future residents, there are considered to be two main aspects, internal and external amenity space.

The proposed dwelling would have a floorspace of approx. 79sqm. The house is described as a 2 bed 3 person – 2 storey dwelling. The Technical housing standards – nationally described space standards require 70sqm floorspace which is exceeded (a 2b 4p dwelling would require 79sqm). It is therefore considered that the internal floorspace is acceptable.

In relation to the external amenity space, the proposal potentially provides family accommodation and the plans indicate that a garden of 75sqm would be provided (excluding the parking area). The external space is relatively small and there is a degree of overlooking, in addition it is noted that there is parking close to the garden area. Notwithstanding this considering the urban location, on balance the external amenity space has been maximised and would provide acceptable outside amenity for the future occupants.

(iv) Highways issues

The access would be from London Road, and this access already serves existing parking on site together with parking to the rear of the site. It is not considered that any additional movements would be significant as a result of the provision of this single dwelling.

In relation to parking the provision of a 2 or 3 bed house would require 2 parking spaces under the provisions of the Havant Borough Parking Standards SPD. The site plan shows the provision of two parking spaces.

Cycle provision would be provided by a rear Cycle Store.

Refuse bins would also be provided to the rear.

(v) Impact on the Cowplain District Centre

The proposed development would not result in the loss of any commercial floorspace within the District Centre Secondary Frontage. The provision of additional residential uses at first floor level and on brownfield sites within the District Centre is considered acceptable and would provide an additional residential property which itself is likely to add to the vitality of the centre as new residents access retail and café/restaurant businesses.

It was noted that at one of the planning officers visits an informal area of outdoor seating possibly associated with the frontage café / restaurant was observed. This does not appear to be permanent, and it is not considered to impact the development coming forward.

(vi) Ecology and Biodiversity Net Gain (BNG)

The application site is located to the rear of no. 57 London Road, and it comprises an expanse of sealed hard surfacing situated within a densely developed location. The proposed site does contain two discrete areas of what is described as overgrown vegetation on the site plan and as 'native hedgerow with trees' of medium distinctiveness in the BNG Metric. The scheme would provide the required 10% gain in

BNG for the site. No Habitat Management and Monitoring plan (HMMP) was submitted. The Ecologist was consulted and following amended details suggested that an appropriately worded condition requiring the submission of HMMP shall be imposed on the planning permission to ensure this takes place and ensure the development complies with Local Plan Policy CS13.

(vii) HRA/AA requirements

The proposal would result in the net gain of one, two-bedroom dwelling which needs to comply with the Habitats Regulations. 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 (Amendment) (EU Exit) Regulations 2019. 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 due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of 1 additional 2-bedroom dwelling.

Using Natural England's updated guidance in January 2024, 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.

With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £759.15 to address the potential recreational harm from the new development. Therefore, it is considered that the recreational element of the impacts of development has been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, April 2023, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £3,387.06 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.

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 and raise no further objection. The Council's assessment as competent Authority under those regulations is included in the case file.

(viii) CIL

The development is CIL liable for the net additional internal floor space which amounts to 79.22 sqm. The Havant Borough Community Infrastructure Levy Charging Schedule was adopted by the council on the 20th of February 2013 and the levy charged for this development would be £80 + indexation per square metre of new floor space. The net gain in floorspace results in a Liability of £6,337.9 and the Draft Liability Notice has been sent to the agent.

Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc. The proposal would make better use of this underused small site in this urban and sustainable location, and the provision of 1 additional dwelling would contribute to the Borough's housing need and represents a modest benefit. There would also be economic benefits arising from the construction and future spend of occupants, and a social benefit from the provision of a new household in an established residential area in a sustainable location.

Notwithstanding the planning history of the site, it is considered that this reduced single dwelling scheme with revised siting and design has overcome the previous reasons for refusals and would provide a new dwelling of appropriate design and scale for the character of the area that would not have any harmful impact on neighbouring amenity. Any limited harm to the outlook of neighbouring properties would be marginal and insufficient to outweigh the benefits. Therefore, the tilted balance benefit of this development prevails.

The proposal meets the Habitats Regulations with recreational and water quality impacts adequately mitigated against. The proposal would not have an adverse impact on the locality or neighbouring amenity. Overall, the proposal is therefore considered acceptable and recommended for conditional permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/24/00292 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:

Plans:

Proposed Plans that include Elevations, Floor Plans, Location Plan, Site Plan and Street-Scene View Drawing No. KALO-0304-102 Rev A.

Documents:

Planning, Design & Access Statement by Stephen Andrews, SDA Planning Ltd Consultants Ltd 18 April 2024.

Occupancy Calculator received 24th September 2024

BNG Small Site Metric V3 received 18th October 2024

Water Calculation received 18th April 2024

Budget Calculator- Nitrogen received 8th April 2024

European Site Avoidance & Mitigation Checklist received 24th September 2024

Amended BNG Metric Calculation received —9 April 2025

Solent Nutrient Budget Calculator received 23rd April 2026

Revised BNG Metric received 6th of March 2026.

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
- a. A programme of and phasing of demolition (if any) and construction work;
 - b. The provision of long-term facilities for contractor parking;
 - c. The arrangements for deliveries associated with all construction works;
 - d. Methods and phasing of construction works;
 - e. Access and egress for plant and machinery;
 - f. Protection of pedestrian routes during construction;
 - g. Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - h. Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.
 - i. Hours of construction works.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality and in the interest of Highway Safety having regard to policies DM10 and CS16 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 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer to the rear of the site during the course of demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the approved measures and retained thereafter during the construction work for the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the public sewer having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local (Core Strategy) 2011.

- 6 A Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Small Sites Metric (Stephen Andrews, 26 May 2025) and must include:

- (1) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat;
- (2) the pre-development biodiversity value of the on-site habitat;
- (3) the post-development biodiversity value of the on-site habitat;
- (4) any registered off-site biodiversity gain allocated to the development and the value of that gain in relation to the development;
- (5) any biodiversity credits purchased for the development; and
- (6) any such other matters as the Secretary of State may by regulations specify.

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- (7) a non-technical summary;
- (8) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (9) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (10) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (11) the monitoring methodology and frequency in respect of the created or enhanced habitat.

Notice in writing shall be given to the Council when the:

- (12) HMMP has been implemented; and
- (13) habitat creation and enhancement works as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring

reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

- 7 The car parking, servicing 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.

- 8 Any tree or vegetation removal shall be undertaken outside of the bird nesting season (period 1st March to 31st August inclusive). If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately under the direct supervision of a suitably qualified ecologist prior to the commencement of any works. All active nests will need to be retained until the young have fledged unless otherwise agreed with the Local Planning Authority in consultation with a suitably qualified ecologist.

Reason: In the interests of safeguarding protected species having regard to the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and Policy CS13 of the Local Plan and the National Planning Policy Framework.

- 9 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extension or outbuilding permitted by Classes A, AA, B, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

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

- 10 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 have 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 11 At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

Informatives:

- 1 In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
Offering a pre-application advice service, and
Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,
In this instance:
- 2 A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which is available. on Southern Water's website via the following link
southernwater.co.uk/infrastructure-charges
- 3 The applicant is advised that once the time comes to discharge the BNG conditions, the BNG monitoring fee will be due, and payments will need to be

made to Havant Borough Council.