#### HAVANT BOROUGH COUNCIL PUBLIC SERVICE PLAZA CIVIC CENTRE ROAD HAVANT HAMPSHIRE P09 2AX



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# **DEVELOPMENT MANAGEMENT COMMITTEE AGENDA**

Membership: Councillor Buckley (Chairman)

Councillors Howard, Keast, Lloyd, Lowe, Satchwell (Vice-Chairman) and Patrick

Meeting: Development Management Committee

Date: 16 August 2018

*Time:* 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road, Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Nick Leach Monitoring Officer

7 August 2018

Contact Officer: Nicholas Rogers 023 92446233 Email: <u>nicholas.rogers@havant.gov.uk</u>

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# PART A - (Items Open for Public Attendance)

# 1 Apologies for Absence

To receive and record apologies for absence.

## 2 Minutes

To approve the minutes of the Development Management Committee held on 10 July 2018

3 Matters Arising



# 4 Site Viewing Working Party Minutes

To receive the minutes of the Site Viewing Working Party held on 9 August 2018

## 5 Declarations of Interest

To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting.

## 6 Chairman's Report

The Chairman to report the outcome of meetings attended or other information arising since the last meeting of the Committee.

# 7 Matters to be Considered for Site Viewing and Deferment

The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.

## 8 Deputations

To receive requests to make a deputation to Committee.

# 9 Applications for Development and Development Control Matters 11 - 14

# Part 1 - Applications Viewed by the Site Viewing Working Party

- 9(1) APP/18/00277 Land on south side of Mill Rythe Lane, Hayling 15 26 Island
  - P]roposal: Change of use application for use of the land to a vehicle parking compound including the retention of 2No. metal containers and erection of a palisade fence along the fronting Mill Rythe Lane. (Retrospective application).

Associated Documents - https://tinyurl.com/yauxu2md

## 9(2) APP/18/00443 - 31 Blendworth Crescent, Havant

- 27 46
- Proposal: Subdivision of site to create two bedroom bungalow formed from the alteration and extension of existing ground floor addition and rear access and parking.

Associated Documents - https://tinyurl.com/yclu4tml

# Part 2 - Applications Submitted by Havant Borough Council or Affecting Council Owned Land

None

# Part 3 - All Other Applications for Development

None

# Part 4 - Enforcement and Other Development Control Matters

None

# PART B (Confidential Items - Closed to the Public)

None

#### **GENERAL INFORMATION**

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#### Internet

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#### **Public Attendance and Participation**

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In all cases, the request must briefly specify the subject on which you wish to speak and whether you wish to support or speak against the matter to be discussed. Requests to make a deputation to the Committee may be sent:

By Email to: <u>nicholas.rogers@havant.gov.uk</u> or <u>DemocraticServices@havant.gov.uk</u>

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Democratic Services Officer Havant Borough Council Public Service Plaza Civic Centre Road Havant, Hants P09 2AX

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marked for the Attention of the "Democratic Services Team"



# PROTOCOL AT MEETINGS – RULES OF DEBATE

# Rules of Debate

- Councillors must always address each other as "Councillor ..." and must always address the meeting through the Chairman
- Councillors may only take part in the debate if they are present at the meeting: video conferencing is not permissible
- A member of the Committee may not ask a standing deputy to take their place in the Committee for part of the meeting
- The report or matter submitted for discussion by the Committee may be debated prior to a motion being proposed and seconded. Recommendations included in a report **shall not** be regarded as a motion or amendment unless a motion or amendment to accept these recommendations has been moved and seconded by members of the Committee
- Motions and amendments must relate to items on the agenda or accepted by the meeting as urgent business
- Motions and amendments must be moved and seconded before they may be debated
- There may only be one motion on the table at any one time;
- There may only be one amendment on the table at any one time;
- Any amendment to the motion can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the motion.
- The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time
- Once duly moved, an amendment shall be debated along with the original motion.
- If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion on which any further amendment may be moved.
- If an amendment is rejected different amendments may be proposed on the original motion or substantive motion.
- If an amendment is lost, other amendments may be moved to the original motion or substantive motion
- If an amendment is lost and there are no further amendments, a vote will be taken on the original motion or the substantive motion
- If no amendments are moved to the original motion or substantive motion, a vote will be taken on the motion or substantive motion
- If a motion or substantive motion is lost, other motions may be moved

# Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the

item;

- An amendment must be voted on before the motion
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A Councillor may request that his/her vote be recorded in the minutes

# Who To Contact If You Wish To Know The Outcome Of A Decision

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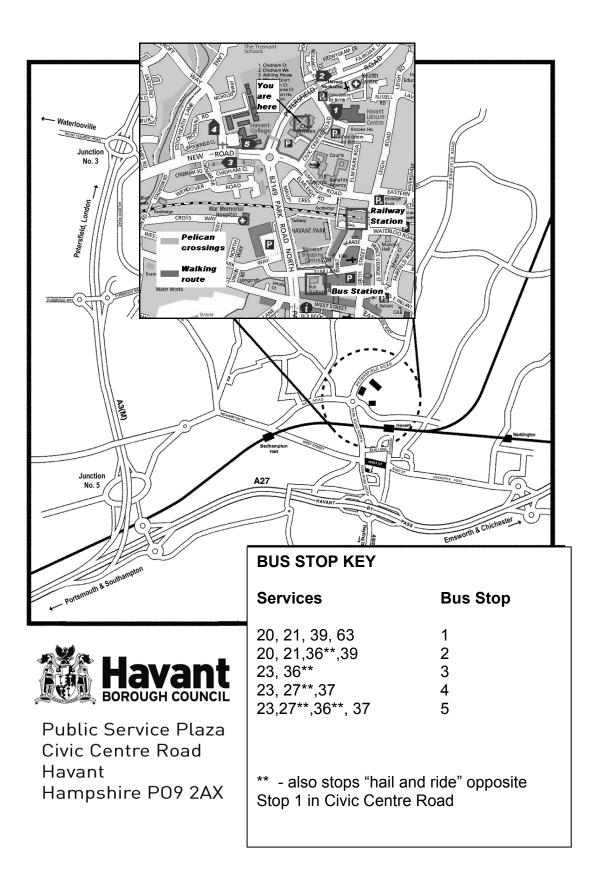
DO NOT RE-ENTER THE BUILDING UNTIL AUTHORISED TO DO SO

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# Agenda Item 2

Development Management Committee 10 July 2018

# HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 10 July 2018

Present

Councillor Buckley (Chairman)

Councillors Howard, Keast, Lloyd, Lowe, Cresswell (Standing Deputy) and Patrick

Other Councillors Present:

Councillor(s): Satchwell and Pike

## 22 Apologies for Absence

Apologies for absence were received from Councillor Satchwell.

#### 23 Minutes

The minutes of the meeting of the Development Management Committee held on 14 June 2018 were agreed as a correct record and signed by the Chairman.

#### 24 Matters Arising

There were no matters arising.

## 25 Site Viewing Working Party Minutes

The Committee received the minutes of the Site Viewing Working Party held on 5 July 2018.

## 26 Declarations of Interest

There were no declarations of interest.

#### 27 Chairman's Report

The Chairman reported that there would be a Development Consultation Forum held on 14 August regarding the land west of the Havant Crematorium on Bartons Road, and members were encouraged to attend where possible.

## 28 Matters to be Considered for Site Viewing and Deferment

There were no matters to be considered for site viewing and deferment.

#### 29 Deputations

The Committee received the following deputation requests:

(1) Mr Percy – APP/18/00158

- (2) Mr Roper APP/18/00158 5A Simmons Green, Hayling Island
- (3) Mr Garton APP/18/00158 5A Simmons Green, Hayling Island
- (4) Councillor Satchwell APP/18/00158 5A Simmons Green, Hayling Island
- (5) Mrs Farmer APP/18/00120, APP/18/00121 and APP/18/00122 Hampshire Farm, Emsworth
- (6) Councillor Pike APP/18/00120, APP/18/00121 and APP/18/00122 Hampshire Farm, Emsworth

# 30 APP/18/00158 – 5A Simmons Green, Hayling Island

Proposal: Retention of roof extensions comprising: extension of existing dormer on west elevation; extension of existing dormer on east elevation with provision of new windows on east and south elevation of dormer. Retention of replacement roof tiles from concrete to slate. Provision of burnt natural timber cladding to external façade of existing and proposed extended dormers and front gable.

The Committee considered the written report and recommendation of the Head of Planning to grant permission.

The Committee received supplementary information, circulated prior to the meeting, which set out:

- Additional information in relation to boundary screening, alterations to windows in the existing east facing dormer window and material samples;
- b) A proposed additional condition to reflect the altered position on materials for the proposed cladding;
- c) Additional statements and photographs submitted by the applicant; and
- d) An additional statement submitted by an objector.

The Committee was addressed by the following deputees:

- (1) Mr Percy, who objected to the application for the following reasons:
  - a) The clear glass windows on the east elevation result in direct overlooking and loss of privacy in his residence at 11C Salterns Lane; and
  - b) There was a need for consistency between conditions applied to properties in this area, as a conservatory at 11C Salterns Lane was required to have obscuration applied area with the second state of th

- (2) Mr Roper, who objected to the application for the following reasons:
  - a) The application was not consistent with Policy CS12 of the Local Plan, which sets out that developments in this area must be considerate of the Chichester Harbour Area of Outstanding Natural Beauty (AONB);
  - b) The application was not consistent with Policy CS16 of the Local Plan, which concerns high quality design;
  - c) The application would be detrimental to visual amenities of the local area; and
  - d) There had been a lack of enforcement activity from the Council that had resulted in the current situation and this should be rectified.
- (3) Mr Garton, who spoke in support of the application for the following reasons:
  - a) The application was mostly within permitted development parameters;
  - b) There had been a lack of contact from the Chichester Harbour Conservancy to discuss their objections, despite a willingness from the applicants to discuss the impact to the Chichester Harbour AONB with the Conservancy;
  - c) The application would not result in additional overlooking of neighbouring properties; and
  - d) The application would not harm the visual amenities of the area and there was a variety of differing house designs within Simmons Green.
- (4) Councillor Satchwell, who highlighted the following to the Committee:
  - a) There had been confusion in the Council's procedures and delays in responses that had led to difficulties in the application process and neighbourly disputes; and
  - b) The objections raised by the Chichester Harbour Conservancy had now been shown as incorrect as the application was not within the Chichester Harbour AONB.

Following the deputations, the Chairman invited members to ask questions of officers regarding the report and proposal. In response to these questions it was advised that;

- The matters that were not considered permitted development were the cladding to be used on the external façade of existing and proposed extended dormers and front gable, the retention of the replacement slate roof tiles and the recommended obscuration of glass for 2no. windows on the east elevation.
- The materials to be used for the external cladding would be determined by the proposed additional condition.

The Committee then considered the proposal, taking into account the responses from officers, points raised by the deputations and the recommendation to grant permission.

During the debate, questions were raised over the windows on the east elevation and whether these constituted an unacceptable level of overlooking into the neighbouring properties. Some members pointed out that the existing windows on the east elevation did not feature obscured glass and it therefore would be unreasonable to require obscured glass in the windows in question.

Some members were minded however to approve the application with the additional condition.

A motion to grant planning permission as recommended in the report and the additional condition set out in the supplementary planning information was moved.

However, the majority of the Committee considered that Condition 4 was not necessary. Therefore it was

RESOLVED that Application APP/18/00158 be granted subject to the following conditions:

1 The development (for those parts not retrospective) 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 external materials used with the exception of the cladding to the dormers and south facing gable end of the building (considered under Condition 3) shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

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

3 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 for the cladding of the dormers and south facing gable end on the building 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

4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan Block plan Existing floor and elevations plan Proposed floor and elevations plan revised 23/05/2018 Design and access statement

Reason: - To ensure provision of a satisfactory development

# 31 APP/18/00120, APP/18/00121 and APP18/00122 – Hampshire Farm, Emsworth

Proposals: Application 1 APP/18/00120

Variation of Section 106 Agreement dated 12 May 2011 associated with 10/74014/000, to discharge the obligation to provide community facilities (doctors surgery and pharmacy) on the community facilities land or transfer the land to the Council for Community Use (use falling within use class D1 non-residential institution).

## Application 2 APP/18/00121

Variation of Section 106 Agreement dated 12 May 2011 associated with 10/74014/000, to extend the period to procure that the Community Facilities (doctors surgery and pharmacy) on the community facilities land for a further two years until 1st December 2019.

## Application 3 APP/18/00122

Variation of Section 106 Agreement dated 12 May 2011 associated with 10/74014/000, to vary the definition of the community facilities from specifically a doctors surgery and pharmacy to any use within Use Class D1 (non-residential institution) and to extend the period to procure the use for a further two years until 1st December 2019. The Committee considered the written report and recommendations from the Head of Planning to refuse permission.

The Committee received supplementary information, circulated prior to the meeting, which set out:

- a) An update on consultation with the South East Hampshire Clinical Commissioning Group;
- b) Additional representations received from a previous supporter;
- c) Links to the previous committee report and minutes in relation to the outline planning permission (Ref: 10/74014/000) for the Hampshire Farm development;
- d) A letter from the Agent setting out their latest position; and
- e) Two additional third party representations.

The Committee was addressed by the following deputees:

- (1) Mrs Farmer, who supported the application for the following reasons:
  - a) There were more pressing social requirements for the site than a doctors surgery, with a particular need for facilities for young persons;
  - b) The site was no longer suitable for the provision of a health care facility and the original proposal was out-dated; and
  - c) There were alternative sites that were more suitable for the provision of health care facilities in the area, such as the Emsworth Victoria Cottage Hospital Site.

In response to questions from the Committee, the deputee advised that:

- The Emsworth Victoria Cottage Hospital site was larger than the Hampshire Farm site, with more provision for parking.
- The Emsworth Victoria Cottage Hospital site was no longer functioning as an operational health care facility.
- (2) Councillor Pike, who supported the officer's recommendations for the following reasons:
  - a) The applicants had elapsed on extended timescales for the provision of a doctor's surgery on the site and had not made satisfactory progress; and

b) The Council would be ideally placed to co-ordinate and lead on the usage of the site, which could encompass development in addition to a doctor's surgery.

Following the deputations the Chairman invited members to ask questions of officers regarding the report and proposal. In response to these questions it was advised that;

- Indicative timescales for the proposed surgery had been provided by the Primary Care Surveyors and were detailed within the report but these had already slipped;
- Officers were aware that the applicant had looked at other sites to provide the health care facility to the area;
- A transfer of the site to the Council would give the Council more control and involvement in looking to provide a health care facility on the site; and
- The site would be transferred back to the Council to be used for a Class D1 non residential institution, so could be utilised effectively if a doctors surgery was not possible.

The Committee considered an offer from the applicant, that if the Committee was minded to grant APP/18/00121 they would withdraw the other two applications.

The Committee was minded however to refuse all three applications, as there had been a failure to comply with the s106 Legal Agreement in relation to the provision of the doctor's surgery. The Committee viewed that the Council had acted reasonably in extending the original timescales for the relevant parts of the s106 Legal Agreement, but felt that the transfer of the land back to the Council would serve a more useful purpose than the proposed Deeds of Variation.

During the course of the debate, the Committee considered that this was the best course of action. It was therefore

## RESOLVED that

(i) the Head of Planning be authorised to refuse permission for application APP/18/00120 in relation to the Deed of Variation for the following reason:

**Reason:** The proposed variation of the S106 Agreement (as modified) would fail to secure the provision of the Community Land for the purpose of providing the Community Facilities (Doctors Surgery and Pharmacy) and the transfer of the Community Facilities Land to the Council for Community Use (Use falling within Use Class D1 non residential institutions). The proposal would therefore fail to meet the infrastructure requirements identified at the time of the associated planning application reference 10/74014/000. The proposal is therefore contrary to policies CS7, CS19 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(ii) the Head of Planning be authorised to refuse permission for application APP/18/00121 in relation to the Deed of Variation for the following reason:

**Reason:** The proposed variation of the S106 Agreement (as modified) would significantly extend the period of time to secure the provision of the Community Land for the purpose of providing the Community Facilities (Doctors Surgery and Pharmacy) and the transfer of the Community Facilities Land to the Council for Community Use (Use falling within Use Class D1 non residential institutions). The proposal would therefore fail to meet the infrastructure requirements identified at the time of the associated planning application reference 10/74014/000. The proposal is therefore contrary to policies CS7, CS19 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

 (iii) the Head of Planning be authorised to refuse permission for application APP/18/00122 in relation to the Deed of Variation for the following reason:

**Reason:** The proposed variation of the S106 Agreement (as modified) would significantly extend the period of time to secure the provision of the Community Land for the purpose of providing the Community Facilities (Doctors Surgery and Pharmacy) or for Community Uses (Use falling within Use Class D1 non residential institutions) and the transfer of the Community Facilities Land to the Council for Community Use. This would also reduce the likelihood of the Doctors Surgery and Pharmacy being provided at the site. The proposal would therefore fail to meet the infrastructure requirements identified at the time of the associated planning application reference 10/74014/000. The proposal is therefore contrary to policies CS7, CS19 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

(iv) the Council's Head of Legal Services be instructed to take all legal steps required to ensure the transfer of the land to the Council as set out in the S106 Legal Agreement.

# 32 APP/18/00385 - 38-44 London Road, Purbrook, Waterlooville - ITEM WITHDRAWN

This item was withdrawn.

# The meeting commenced at 5.00 pm and concluded at 6.34 pm

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Chairman

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# HAVANT BOROUGH COUNCIL

# **Development Management Committee**

# APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE HEAD OF PLANNING

## Applications to be determined by the Council as the Local Planning Authority

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Development Management Committee.

Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon <u>prior</u> to the meeting of the Development Management Committee.

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

| HPS<br>HCSPR<br>HBLP | Head of Planning Services<br>Hampshire County Structure Plan - Review<br>Havant Borough Local Plan (comprising the adopted Core Strategy<br>2011 and saved policies from the District Wide Local Plan 2005. A<br>related emerging document is the Draft Allocations Plan 2012) |
|----------------------|--|
| HWLP                 | Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan  |
| NPPF<br>HBCCAR       | National Planning Policy Framework 2012<br>Havant Borough Council Conservation Area Review   |
| AONB                 | Area of Outstanding Natural Beauty   |
| CA                   | Conservation Area  |
| LB                   | Listed Building included in the list of Buildings of Architectural or Historic<br>Interest   |
| SAC                  | Special Area of Conservation   |
| SINC                 | Site of Importance for Nature Conservation   |
| SPA                  | Site identified as a Special Protection Area for the protection of birds<br>under the Ramsar Convention  |
| SSSI                 | Site of Special Scientific Interest  |
| FP                   | Definitive Footpath  |
| POS                  | Public Open Space  |
| TPO                  | Tree Preservation Order  |
| HBC                  | Havant Borough Council   |
| GPDO                 | Town & Country Planning (General Permitted Development) Order  |
| DMPO                 | Town & Country Planning (Development Management<br>Procedure)(England) Order 2010 amended  |
| UCO                  | Town & Country Planning (Use Classes) Order  |
| S106                 | Section 106 Agreement  |
| Ha.                  | Hectare(s)   |
| m.                   | Metre(s)   |

# RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

# Implications

## **Resources:**

None unless detailed in attached report.

# Legal:

Details set in the individual reports

# Strategy:

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

# **Risks**:

Details set out in the individual reports

# **Communications:**

Details set out in the individual reports

Background Papers: Individual Applications with Case Officers

Simon Jenkins Head of Planning

Nick Leach Monitoring Officer This page is intentionally left blank

| Site Address:   | Land on south side of, Mill Ryth | e Lane, Hayling Is  | sland            |  |
|---|----------------------------------|---------------------|------------------|--|
| Proposal:   | Change of use application for u  | se of the land to a | vehicle parking  |  |
| compound including the retention of 2No. metal containers and erection of a palislade |                                  |                     |                  |  |
| fence along the fronting Mill Rythe Lane . (Retrospective application).               |                                  |                     |                  |  |
| Application No  | : APP/18/00277                   | Expiry Date:        | 04/05/2018       |  |
| Applicant:  | Mssrs Slydell                    |                     |                  |  |
|   | Hayden Vehicle Rentals (HVR)     |                     |                  |  |
| Agent:  | Mr Douglas                       | Case Officer:       | Rachael McMurray |  |
|   | Jeffrey Douglas Chartered        |                     |                  |  |
|   | Architect                        |                     |                  |  |
| Ward:   | Hayling East                     |                     |                  |  |
|   |                                  |                     |                  |  |

Reason for Committee Consideration: Proposal represents a departure from the Development Plan

HPS Recommendation: GRANT PERMISSION

#### 1 <u>Site Description</u>

- 1.1 The application site relates to a 0.1ha parcel of land on the south side of Mill Rythe Lane, Hayling Island. It is located within the boundary of the Chichester Harbour of Outstanding Natural Beauty (AONB). It sits at the western edge of a cluster of industrial style employment premises which stretch eastwards to adjoin the waterfront and which include boat building and repair businesses. The application site is understood to have been used as a vehicle storage compound relating to Hayden Vehicle Rentals (HVR) since 2014.
- 1.2 To the west of the site is a field currently used as a donkey sanctuary. Further to the west of this is Havant Road, the A3023, with the nearest residential property fronting Havant Road to the north west. To the east and south of the site lies an industrial style building and large yard area once used by Howards Car Spares, and now with permission for a range of B1, B2 and B8 uses. North of the site is a wooded, undeveloped parcel of land.
- 1.3 The application site has been enclosed by a 1.8m high palisade fence fronting onto Mill Rythe Lane and the original metal boundary fence which extends along the western boundary of the former Howards Car Spares premises has been extended up to the highway. There are also two metal containers located within the application site, adjacent to the eastern boundary.

#### 2 <u>Recent Relevant Planning History</u>

#### 2.1

09/73876/000 - Erection of 7No. B1/B2 business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking. Withdrawn 08/09/2009. 10/73876/001 - Erection of 7No. B1/B2 marine related business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking (revised application). Refused 13/04/2010; appeal dismissed 24/01/2011. APP/12/00301 - Change of use to open boat storage with associated containers and works including fencing. Withdrawn 31/05/2012. APP/13/00055 - Change of use to open boat and jet-ski storage with associated

containers and works including fencing. (Revised application.) Withdrawn 18/10/2013.

2.2 The submission of this application follows a recent planning enforcement investigation into the use of the site.

#### 3 Proposal

- 3.1 Change of use of the land to a vehicle parking compound including the retention of 2No. metal containers and erection of a palisade fence fronting Mill Rythe Lane. (Retrospective application). Following initial consideration of the application, a landscaping plan has been submitted proposing the planting of a laurel hedge and climbers along the line of the palisade fence (see Appendix C).
- 3.2 The two metal containers are for the secure storage of minibus seats for rental vehicles for adaptation of vehicle seating at the customer's request. No maintenance or repair work is to be carried out on the site.

#### 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

- CS2 (Employment)
- CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- CS15 (Flood and Coastal Erosion)
- CS16 (High Quality Design)
- CS17 (Concentration of development within urban areas)
- DM9 (Development in the Coastal Zone)

Listed Building Grade: Not applicable. Conservation Area: Not applicable.

## 5 <u>Statutory and Non-Statutory Consultations</u>

#### **Chichester Harbour Conservancy**

Recommendation – Objection.

Visited on the 3.5.18 and reviewed the planning history of the site on line, which indicates this land has never been recognised as having lawful commercial use, notwithstanding Mrs Howard's ownership of the land. The agent does not even acknowledge that the site lies within an Area of Outstanding Natural Beauty.

The Conservancy wrote to Havant Borough Council 31 July 2014 asking the Council to serve a S.215 Notice to tidy up the land. The Conservancy never received the courtesy of a response advising of the result of any enforcement investigation. The Conservancy would appreciate a written explanation of why no action was taken by the council to protect this part of the AONB.

Having regard to the Policy framework, the recommendation of objection is based on the fact that the development sought neither conserves nor enhances this part of the Area of Outstanding Natural Beauty, required under Policies CS12 and CS16 of the Development Plan.

Whilst the Conservancy would have no objection to the land being made secure with some appropriate rural style timber fencing, it wholly opposes the very harsh and urban metal palisade fencing that has been installed without planning permission.

This site lies outside the 'urban area' defined by CS17 and AL2 and should remain open in character to provide a landscaped buffer for the historic commercial uses abutting it.

The Conservancy therefore suggests that the application be refused and formal enforcement action be taken to clear the land of all parked vehicles, the palisade fencing, any other non-natural materials and the two unsightly container units.

**Officer response**: The planning history has revealed that no formal enforcement action was carried out with regards to the land use in 2014, however following a more recent investigation the applicants are now seeking to regularise matters through this application. The impact on the AONB is discussed in Section 7 below.

#### **Crime Prevention -Minor Apps**

No response provided.

#### Highways Engineer, Development Engineer

The Highway Authority has no adverse comment on this application.

#### Landscape Team, Havant Borough Council

The proposed (revised) landscaping plan received on 25 June 2018 is considered to be acceptable and offer a reasonable level of screening.

#### Natural England Government Team

No response provided.

#### 6 <u>Community Involvement</u>

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: 1

Number of site notices: 1

Statutory advertisement: 27/07/2018

Number of representations received: None

#### 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 AONB
  - (iii) Impact upon residential amenity
  - (i) <u>Principle of development</u>
- 7.2 The application site is situated outside of the urban area as defined by Policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011, and consequently this application for a commercial use of the land has been advertised as a departure from the Development Plan. It relates to an employment use, and the submitted application forms report that the use supports 5 FTE jobs, as well as providing overspill provision for local businesses. The

# Page 17

principle of additional employment provision is supported by Policy CS2 of the Local Plan, albeit that the location of the site in this case is not consistent with the objectives of the Policy to prioritise the use of previously developed land. Nonetheless, the provision of employment is a matter which must be given due consideration when weighing the issues that this application gives rise to.

- 7.3 The site also forms part of the landward element of the Chichester Harbour AONB, with the Harbour itself lying some distance to the east beyond a series of industrial style buildings. The impact of the development on the AONB is considered further at (ii) below.
- 7.4 The application site historically formed part of the neighbouring agricultural land, between the site and Havant Road, which is currently being used for a donkey sanctuary. However, following queries raised by Chichester Harbour Conservancy in 2014 in relation to a previous application on adjacent land, it was identified then to be unallocated but adjoining land safeguarded for employment purposes on the proposals map (Allocations Plan 2014). It has since been used for vehicle storage including for the parking of customers cars, Hayden's Rental Vehicles staff cars and overspill parking for other nearby businesses.
  - (ii) Impact upon the character and appearance of the AONB
- 7.5 Policy CS12 of the Local Plan sets out the approach to development proposals affecting the AONB:

Development will be permitted where it:

1. Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.

2. Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area.

3. Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).

4. Meets the policy aims of the Chichester Harbour AONB Management Plan 5. Provides mitigation of any detrimental effects including where appropriate the improvement of existing damaged landscapes relating to the proposal.

- 7.6 Paragraph 172 of the NPPF 2018 advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, and the scale and extent of development within them should be limited. Consideration should be given to any detrimental effects and the extent to which they could be moderated.
- 7.7 In the context of this policy background, Chichester Harbour Conservancy have raised issues in their consultation response, that the development neither preserves or enhances the AONB. Also, that the palisade fencing which has been erected is harmful to the character of the AONB. They have advised that the land should be returned to agricultural purposes.
- 7.8 In considering the impact of the development on the AONB, it is noted that the site is located at the periphery of an intensively developed industrial area, with several commercial units situated between the site and the coastline. As such, it is considered that the site is not highly visible from the wider Chichester Harbour coastline to the east, nor from the view of Havant Road to the west as it is set back. Thus any visual impact is localised and limited. It is also located immediately to the front of an existing substantial B1/B2/B8 building and open land use the former Howards Car Spares premises and has a similar boundary treatment to this site. To help mitigate the impact of the palisade fencing, a landscaping plan has been submitted (see Appendix C) which seeks to soften the visual impact of the fencing to give a more rural appearance to the boundary treatment. The metal containers have also been painted green and sit within the canopy of the adjacent boundary trees and are therefore not highly prominent.

- 7.9 The Council's Landscape Officer has been consulted on the landscaping plan and has advised that this is acceptable in terms of the planting proposed.
- 7.10 It is recognised that the nature of the change of use the subject of this application is not one which would be suitable in all parts of the AONB, given its overtly commercial character and the level of vehicle storage involved. However, given the industrial context of the wider Mill Rythe site, coupled with the fact that the application is not highly visible from Havant Road or the coastline, and that the visual impact of the fencing can be mitigated by the proposed landscaping, the extent of harm to the character of the AONB is considered limited.
  - (iii) Impact upon residential amenity
- 7.11 It is considered that the development has a limited and acceptable impact on nearby residential amenity due to the distances between the closest neighbouring resident and the application site (a minimum of c.60m), and the nature of the change of use being for storage only, with no industrial processes to be carried on. It is noted that no objections to the application have been received from any nearby residents.

## 8 Conclusion

- 8.1 In weighing the issues associated with this application, it is noted that the proposal would regularise the use of the land for commercial purposes and the employment provision that it supports, and this weighs in its favour. The surrounding land uses are considered to provide a suitable context for the proposals, and in that context it is clear that the impacts of the development on the AONB are localised and limited. Subject to appropriate conditions, the proposals would deliver mitigation of the visual impact of the fencing and land use through appropriate planting proposals which are supported by the Council's Landscape Officer.
- 8.2 Taken together, this retrospective application is considered to be acceptable for the reasons set out above, and as such is recommended for permission.

## 9 **RECOMMENDATION**:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00277 subject to the following conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

DN: 21804/101 - Existing location plan and proposed block plan DN: 210804/102 A - Proposed Hedge Planting to Road Boundary

**Reason:** - To ensure provision of a satisfactory development.

2 The landscaping works shown on the landscaping plan received on 25th June 2018 [DN: 210804/102 A - Proposed Hedge Planting to Road Boundary) shall be carried out in accordance with the approved details within two months of the date of this planning permission, or such other date as may be agreed in writing by the Local Planning Authority. Any trees, hedging or plants planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, hedging or plants of similar size and species to those originally required to be planted. **Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

#### Appendices:

- A Location Plan
- B Proposed Block Plan
- C Proposed Landscaping Plan received on 25 June 2018.

**APPENDIX A** 

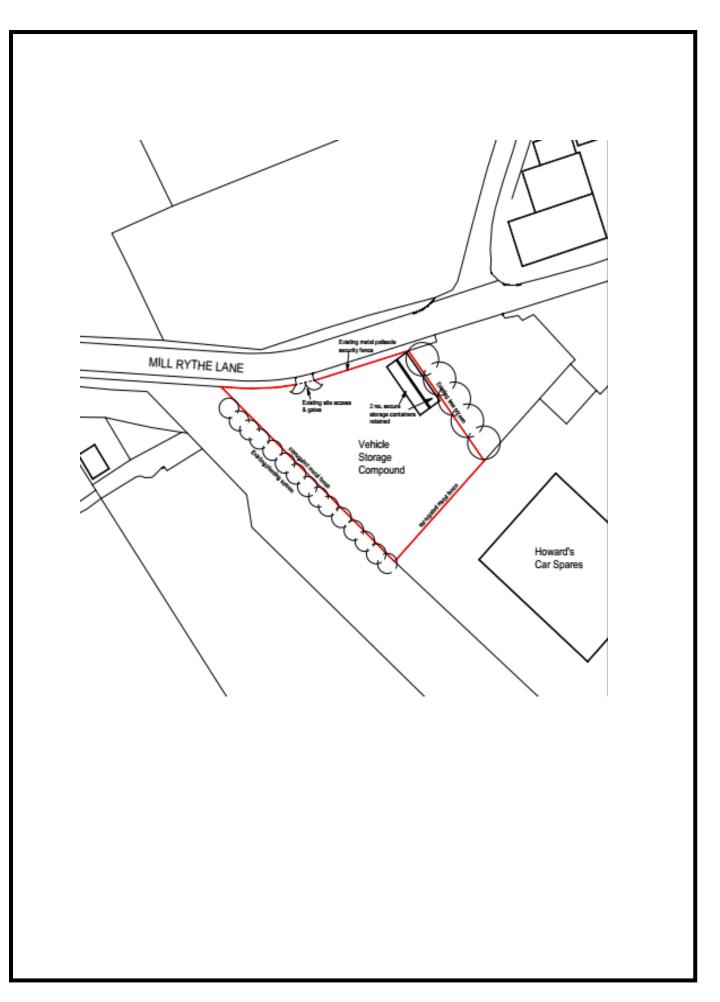
LOCATION PLAN



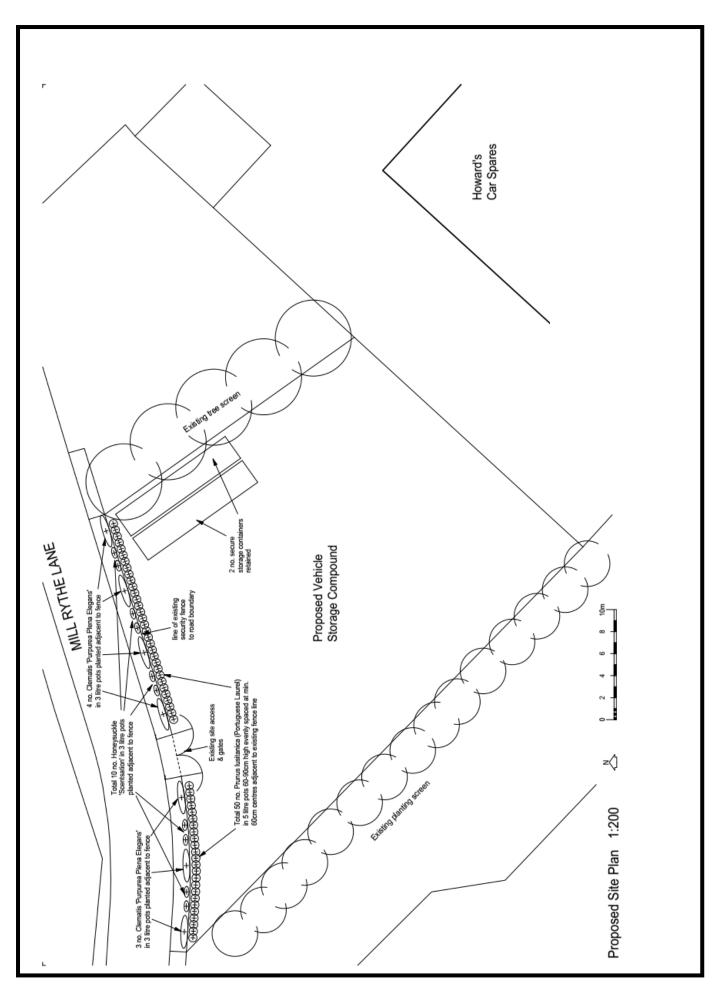
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**APPENDIX B** 

**BLOCK PLAN** 



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Site Address: 31 Blendworth Crescent, Havant, PO9 2BA Proposal: Subdivision of site to create two bedroom bungalow formed from the alteration and extension of existing ground floor addition and rear access and parking.

| APP/18/00443     | Expiry Date:                                  | 29/08/2018  |
|------------------|---|---|
| Mr Robinson      |   |   |
| Mr Tomes         | Case Officer:                                 | Tina Pickup   |
| Tomes Architects |   |   |
| Battins          |   |   |
|                  | ∕Ir Robinson<br>∕Ir Tomes<br>romes Architects | Ar Robinson<br>Ar Tomes Case Officer:<br>Tomes Architects |

Reason for Committee Consideration: The Applicant is a Councillor

HPS Recommendation: GRANT PERMISSION

#### 1 <u>Site Description</u>

- 1.1 The application site relates to an end of terrace post-war two storey house at 31 Blendworth Crescent, Havant. It is set back from the highway, part of three terraces arranged in a 'U' formation, fronting a shared open grassed area. There is only pedestrian access from the south, Blendworth Crescent, with vehicular access taken from the rear, north, via a shared parking and garage court accessed from Soberton Road.
- 1.2 The site benefits from a corner plot with wider than average curtilage. The existing two storey dwelling has a single storey rear addition that projects the entire site length to abut the garages within the rear garage court. The first 8m of this addition has a shallow pitched roof and provides an office, and the remainder is a flat roofed workshop and store. This rear addition is set off the western boundary with No.29 by some 3.6m and this open area is concreted and provides surface car parking for the existing dwelling.
- 1.3 The curtilage of the site has already been sub-divided. There is a new close boarded fence erected in an east-west alignment approximately in line with the rear of the main two storey dwelling. The side garden is therefore now divided into a front and rear section.
- 1.4 The surrounding area is characterised by traditional two storey dwellings, largely terraced. No 33 to the east is also an end of terrace dwelling, set at right angles to the application dwelling, having a large corner plot. No 29 to the west is a mid-terrace property with small rear extension, modest rear garden that also has a detached garage, accessed from the rear garage court. A 2m high close boarded fence provides the rear boundary between No 29 and the application site. The private sitting out area of No 29 is therefore limited and enclosed.

## 2 Planning History

04/69008/000 - Single storey rear extension., PERM,29/09/2004

#### 3 Proposal

3.1 When originally submitted this application proposed the creation of a two storey dwelling. The height, scale, design and siting was considered to have an unacceptable impact on neighbouring amenity. Negotiations took place with the applicant and agent that led to a significant reduction in the scale and height of the proposal, making it instead a single storey bungalow. Therefore the current revised scheme relates to the subdivision of the site to create a two bedroom bungalow, formed from the alteration and extension of the existing ground floor addition. Vehicular access would be provided via the rear garage court with on site parking for 2 vehicles.

- 3.2 The proposal would involve the partial demolition of the existing workshop the northern most 3.5m adjacent the garages to the rear of the site would be opened up to create 2 tandem car parking spaces accessed from the rear garage court. These would serve the proposed bungalow. The existing hard surfaced area to the rear of No 31 would remain unaltered to continue to provide parking for the residents of the existing dwelling.
- 3.3 The footprint of the existing single storey office would be extended and enlarged in an easterly direction by 3.7m with a new pitched roof going on this enlarged span, having an eaves height of 2.5m and ridge of 4.2m. The footprint would be tapered with a maximum length of 10.1m along the western elevation, reducing to 7.25m on the eastern elevation. The proposed internal layout utilises part of the existing ground floor of No 31 two thirds of the existing lean-to rear extension would become part of the master bedroom, whilst the remaining third would provide the rear entrance into the existing dwelling. The development would be constructed of materials to match the existing dwelling.
- 3.4 The fence line that has already been erected on site would provide the subdivision between the two plots with the existing dwelling, No 31, having use of the frontage side garden (accessed via the front door only); and the proposed new bungalow having the rear half. The amenity area for the new dwelling would have a depth of between 5.5m and 8.5m with a maximum width of 11.5m tapering to a point. The side garden remaining for No 31 would be between 10m and 6m in length.

#### 4 **Policy Considerations**

National Planning Policy Framework, 2018 particularly paragraph 11 that gives a presumption on favour of sustainable development; para 177 that notes that the presumption in favour of sustainable development does not apply where an appropriate assessment is required due to potential impacts on a habitats site; and chapter 12 that seeks well designed places.

Havant Borough Council Borough Design Guide SPD December 2011 Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

| CS16 | (High Quality Design) |
|------|-----------------------|
|------|-----------------------|

- CS17 (Concentration and Distribution of Development within the Urban Areas)
- CS21 (Developer Requirements)
- CS9 (Housing)
- DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
- DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable. Conservation Area: Not applicable.

## 5 <u>Statutory and Non Statutory Consultations</u>

## **Building Control**

Location of solid waste bins should comply with Approved Document H6 regarding collection point from front unless arrangement has been made with collection agency to collect bins from rear

No other comments at this time

<u>Officer Note</u> - Document H6 states that householders should not normally carry refuse more than 30m and collection points should be within 25m of, in this instance, the highway. Waste containers should also be sited to avoid being taken through a building other than a porch, garage or car port.

#### **Community Infrastructure**

Solent Disturbance Mitigation Contribution due for additional 2 bedroom dwelling i.e. £487 plus admin and monitoring fee. Unilateral Undertaking sent to agent.

Proposed new dwelling CIL liable, based on net additional floor space of 14.07sqm. Draft Liability Notice sent

## **Crime Prevention**

None received

## **Highways Engineer**

On original submission:

The car park is not public Highway and the red line should run to Soberton Road. The car park has an existing access onto Soberton road.

There is no new access to the highway and therefore the application should be determined by the Planning Authority using Standard Highway Guidance.

Officer Note - Red line was amended to include access to adopted highway.

## **Natural England**

## NO OBJECTION

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 disturbance. Your authority 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). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

<u>Officer note</u> - See paragraphs 7.12-7.14 below.

Public Spaces None received

Waste Services Manager No concerns

## 6 <u>Community Involvement</u>

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: 2 - 1 on the original two storey scheme; and 1 on the revised current bungalow scheme (both from the same neighbour)

| Comment   | Officer Comment  |
|---|--|
|   |  |
| On Original Two Storey Scheme   |  |
| Oppose two storey dwelling as would<br>be overwhelming, overbearing and<br>claustrophobic;<br>It would effect daylight and outlook;<br>Garden would be in the shade in the<br>morning more;<br>More cars in rear access will cause<br>problems for garage users | Agreed that two storey development would<br>have unacceptable impact on residential<br>amenity |
| On Revised Bungalow Scheme:   |  |
| Oppose bungalow as garden will be in<br>complete shade and room at the back<br>of house will have no light;<br>Too close to my property   | See consideration below at Section 7   |

## 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
  - (iv) Highways, Parking and Refuse
  - (v) Habitats Regulations Assessment and Appropriate Assessment
  - (vi) CIL
  - (i) <u>Principle of development</u>
- 7.2 The application site is situated within an urban area where further sustainable development is normally considered acceptable in principle subject to accordance with the NPPF, development plan and other development management criteria. The relevant criteria in this case are considered as follows:
  - (ii) Impact upon the character and appearance of the area
- 7.3 This is a relatively unique site with large corner garden and existing significant rear extension. The surrounding development is characterised by predominantly two storey

traditional terraced dwellings in regular, rectilinear formations, but the original submission for a further two storey development was considered to be unacceptable for other detailed considerations, largely impact on neighbouring amenity. A bungalow, whilst at variance with the identified character of the area, would provide a smaller unit of residential accommodation in a residential area. The existing building on the site has a significant footprint coverage and the proposal would largely re-use this existing site coverage.

- 7.4 The proposal would result in an additional 2 bed bungalow in a subdivided plot. The site benefits from being a large corner plot which is considered to be of sufficient size to accommodate an additional modest dwelling unit. Each dwelling would have a private amenity area that would be of useable size for future occupiers. Whilst the private garden area for the proposed bungalow would not strictly have the 10m rear garden length as required by the Borough Design Guide SPD, it would however have a commensurate area due to the fact that the maximum width of the plot is some 11.5m. The existing dwelling would have a garden that meets the 10m minimum garden size.
- 7.5 Whilst a new bungalow linked to the rear of an existing two storey dwelling is not characteristic of the locality, and therefore not a pattern of development that would be normally be supported, the site circumstances of this case are sufficiently unique to justify consideration of the layout. There is sufficient available land for the proposed layout to not result in an overdevelopment of the site and further residential development is a compatible use in this high density residential area. The existing long extension provides the basis of the proposal and current pattern of development on this site. Overall the proposed reconfiguration of this rear extension is considered to successfully provide a new dwelling without causing harm to the character of the site or wider area.
  - (iii) Impact upon residential amenity
- 7.6 As a single storey development the impact on neighbouring residents has been significantly reduced compared to the original two storey proposal. The neighbour at No 29 has a small single storey rear extension with a kitchen and living/dining room. The rear garden of No 29 is already small with a detached garage leading to a sense of enclosure. The outlook from the main habitable room to the rear is limited and tunnelled by the boundary fencing. The existing office and workshop rear projection on the application site is visible from No 29, but due to the parking spaces serving No 31 is not immediately adjacent the boundary with No 29 but some 3.5m away. The proposal would marginally increase the height of the eaves of the west elevation and increase the height of the ridge by 0.8m. The pitched roof element would also be lengthened to 10.1m. This enlarged roof profile would be visible from No 29, reducing the skyline and potentially increasing the sense of enclosure. The length of the extension would also fail the 45 degree code as recommended by the adopted Borough Design Guide as a means of assessing the impact of loss of light.
- 7.7 However, due to the presence of the existing building and the separation distance of 3.5m, the actual harm caused is considered to be minimal. The increase in eaves and ridge is relatively marginal (eaves increase of 0.2m and ridge increase of 0.8m). Being east of No 29 any loss of sunlight would be limited to the morning and any additional overshadowing would mainly fall on the intervening car parking space. It must also be noted that the existing rear extension already fails the 45 degree code and the boundary wall would be reduced in length by 3.5m (where partially demolished to create the parking spaces). It is considered that the reconfigured height and bulk of the west elevation when viewed from No 29 would not be so significant as to materially harm the existing amenity level enjoyed by the occupiers of No 29 to justify a reason for refusal.
- 7.8 It must also be considered that if this scheme were implemented then the existing No 31 would become the immediate neighbour to the development. As such the impact of the

proposed extension on the curtilage and occupiers of the reduced No 31 must be considered. The siting of the extension would be such that the western elevation would form the boundary with No 31 and be adjacent the parking area. The length of the extension would also fail the 45 degree code. However the ground floor of the rear elevation of No 31 would only contain the entrance door to the property and no ground floor windows serving any habitable rooms of No 31. The ground floor window in this rear elevation would serve the bedroom window of the proposed dwelling itself. Light to this bedroom would be restricted due to the extension but a second window and light source is proposed in the east elevation. It must also be noted that the existing outbuilding has a similar impact on this rear elevation, and the difference in increased eaves and roof would be marginal.

- 7.9 Policy CS16 requires developments to not cause unacceptable harm to the amenity of neighbours from, amongst other things, loss of privacy and outlook. No windows are proposed in the west elevation or roof slope and this can be conditioned to ensure no future overlooking. The outlook from No 29 will be altered slightly, but given the low heights and separation, it is considered the actual harm caused would be marginal and not unacceptable, and the proposal therefore complies with policy CS16.
  - (iv) Highways, Parking and Refuse
- 7.10 Vehicular access would be taken across the rear parking court which is owned by Portsmouth City Council. Notice has been served on them and no correspondence received in relation to this application. The correct parking provision is proposed to serve the development: the existing No 31 would retain the hard surfaced area to the rear which can provide parking for 2 vehicles; and the proposed 2 bed dwelling would have 2 spaces at the northern end of the site, adjacent the garages. Cycle provision is also shown for the new dwelling. Parking provision therefore complies with the adopted Parking SPD, 2016.
- 7.11 Waste Services have confirmed that the refuse collection vehicle does not enter the rear garage court and bins need to be presented to the Blendworth Road frontage for collection. Therefore a pedestrian gate would be inserted into the current dividing fence to enable future residents the ability to take bins across the frontage property and down to the road frontage. This would have an impact on the amenity of the future occupiers of No 31, but the agent contends that as the site is under one ownership then this is a matter for landlord control.
  - (v) Habitats Regulations Assessment and Appropriate Assessment
- 7.12 The site lies within 5.6km of Chichester and Langstone Harbour, which is designated a Special Protection Area for over-wintering birds, and hence an Appropriate Assessment is required to consider the potential impacts on a Habitats Site.
- 7.13 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that

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they agree with the findings of the assessment.

- 7.14 The appropriate Unilateral Undertaking has been sent to the applicant seeking the appropriate mitigation package in the form of a financial contribution for the proposed 2 bed bungalow of £487 plus monitoring and admin fees totalling £531.35. Provided this is returned and secured, then the proposal will have satisfactorily mitigated against the potential recreational impacts of the development on the SPA. This is expected to be returned before Committee and Members will be updated on this issue.
  - (vi) <u>CIL</u>
- 7.15 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<sup>th</sup> February 2013. This development is CIL liable for the net increase in residential floor space. The submitted information has been agreed with a net gain in internal floor space of 14.07 sqm. This triggers a CIL liability of £1,517.55 and the Draft Liability Notice has been issued.

## 8 Conclusion

8.1 The unique circumstances of this site are such that it is considered, on balance, that the proposed 2 bed bungalow can be successfully accommodated on site without causing significant harm to the character of the area or neighbouring amenity. Whilst not a pattern of development that is characteristic of the locality, the impacts of the proposed development compared to the existing rear extensions is considered to be marginal and not harmful; whilst the addition of a new dwelling within the urban area will make a modest contribution to the Council's housing requirements. Therefore, provided the Solent Recreation Mitigation Strategy package is secured, then this application is considered compliant with the NPPF, and relevant development plan policies and is recommended for conditional permission.

## 9 **RECOMMENDATION**:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00443 subject to:

- (A) Securing of the Solent Recreation Mitigation Strategy package as set out in paragraph 7.14 above; and
- (B) The following conditions:
- The development must be begun not later than three years beginning with the date of this permission.
   **Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Drawing No: C3298-1 rev A Proposed Plan Drawing No: C3298-9 Proposed Elevations Drawing No: C3298-10 rev A Proposed Block Plan Drawing No: C3298-12 rev B **Reason:** - To ensure provision of a satisfactory development.

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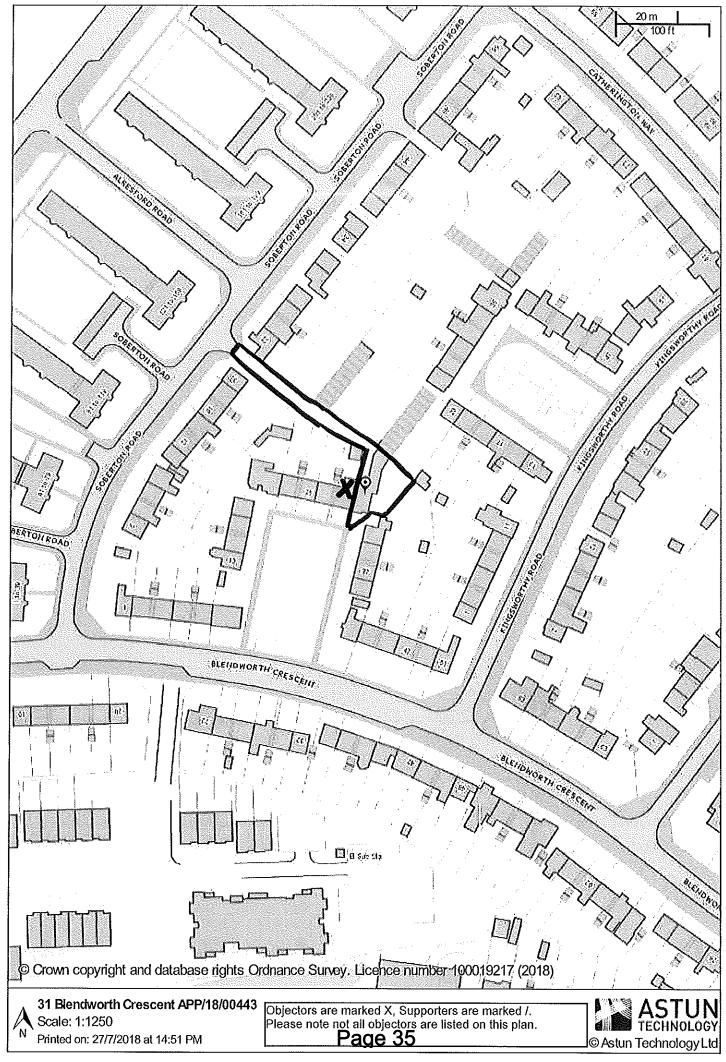
- The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.
   **Reason:** In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows / doors or other openings shall be constructed within the west elevation of the hereby approved bungalow without the prior written approval of the Local Planning Authority. **Reason:** In the interests of the amenities of the occupiers of adjacent properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions, alteration to the roof, including the addition of roof lights or dormers, or outbuildings permitted by Schedule 2, Part 1, Classes A, B, C and E of the 2015 Order, or as amended, shall be constructed within the curtilage of both No 31 and the hereby approved bungalow, without the prior approval of the Local Planning Authority.
   Reason: To protect neighbouring residential amenity and adequacy of amenity space for future occupiers, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve both No 31 and the hereby approved bungalow 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.

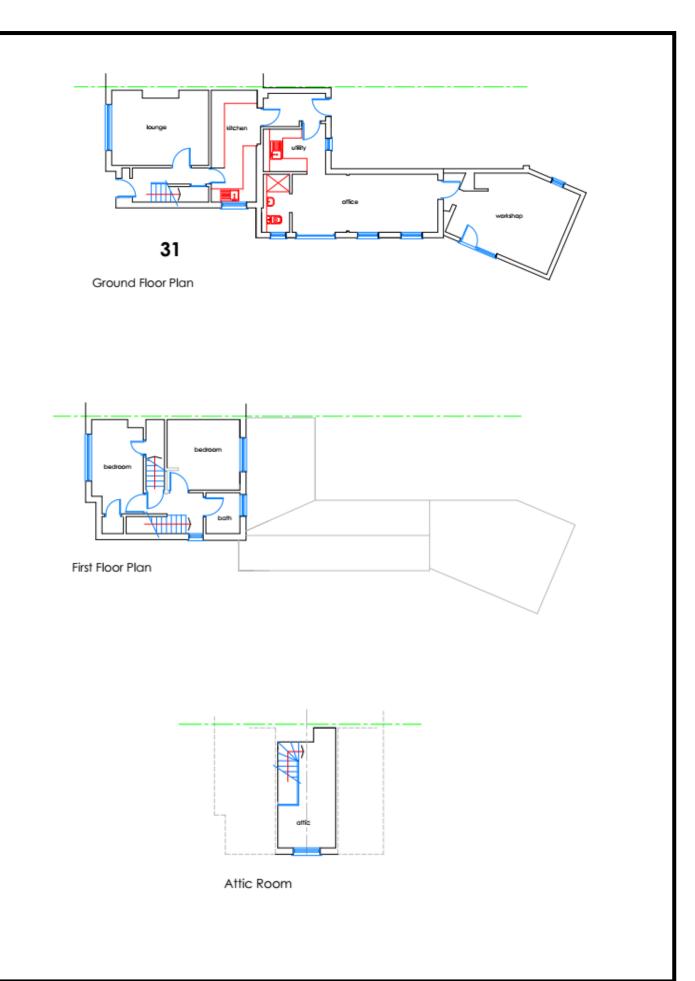
## Appendices:

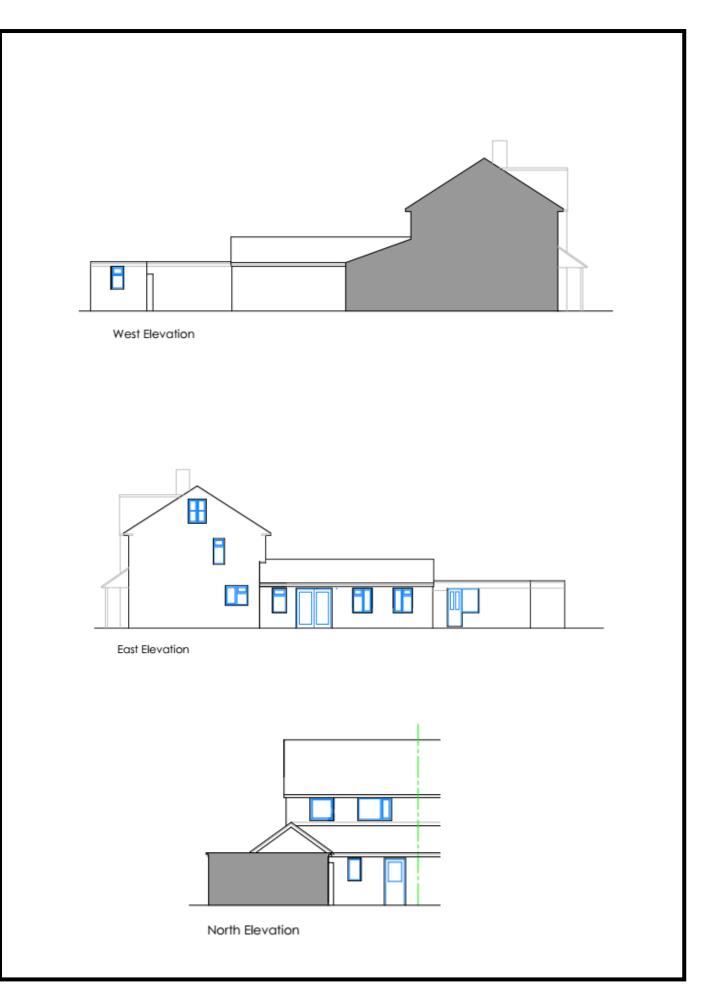
- A Site Location Plan
- B Existing Ground and First Floor Plans
- C Existing Elevations
- D Proposed Block Plan
- E Proposed Floor Plan
- F Proposed Elevations

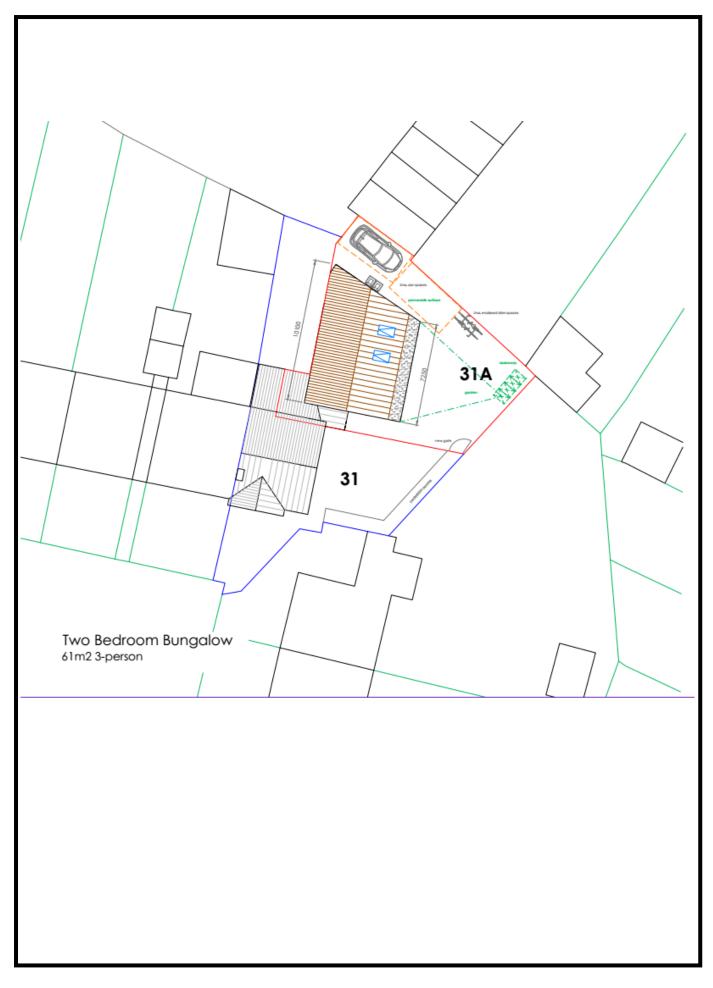
**APPENDIX A** 

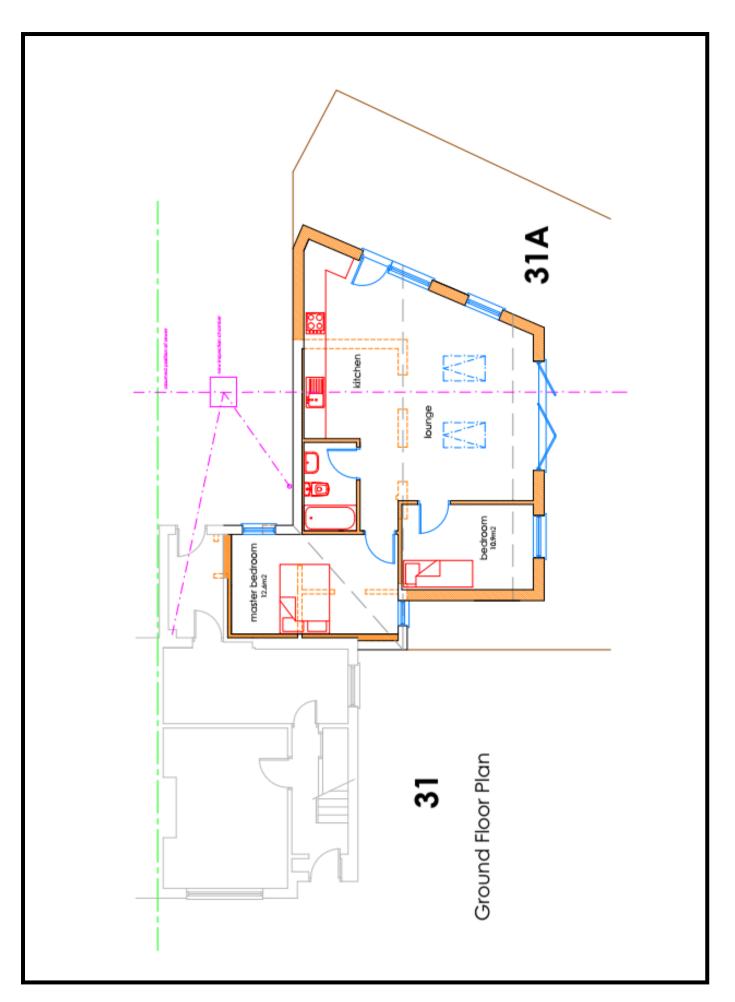
## LOCATION PLAN











## **PROPOSED ELEVATIONS**

