

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



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## PLANNING COMMITTEE AGENDA

<b>Membership:</b> To be confirmed at Annual Council on 19 May 2021
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**Meeting:** Planning Committee  
**Date:** 27 May 2021  
**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:

Gill Kneller  
Chief Executive

18 May 2021

Contact Officer: Mark Gregory 023 9244 6232  
Email: [mark.gregory@havant.gov.uk](mailto:mark.gregory@havant.gov.uk)

### Public Attendance

Please note that the Hurstwood Room has very limited capacity to safely accommodate members of the public in a Covid secure manner. Please contact the named officer above if you wish to attend in person, otherwise we would encourage attendance virtually via the webcast on the Council's website.

**Can Councillors Please Submit Any Detailed Technical Questions On The Items Included In This Agenda To The Contact Officer At Least 4 Hours Before The Meeting Starts.**

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**PART 1 (Items open for public attendance)**

<b>1</b>	<b>Apologies</b>	
	To receive apologies for absence.	
<b>2</b>	<b>Declarations of Interests</b>	
	To receive declarations of interests.	
<b>3</b>	<b>Matters to be Considered for Site Viewing and Deferment</b>	
	The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.	
<b>4</b>	<b>Applications for Development</b>	<b>1 - 4</b>
<b>Applications and other matters viewed by the Site Viewing Working Party</b>		
<b>4a</b>	<b>APP/20/00376 - Fowley Cottage, 46 Warblington Road, Emsworth</b>	<b>5 - 72</b>
	Proposal: Nine new dwellings on the site surrounding the retained Fowley Cottage, 2 on the Warblington Road frontage and 7 in the rear garden area.	
	<a href="#"><u>Additional Information</u></a>	
<b>4b</b>	<b>APP/20/00875 - Aura House, New Road, Havant</b>	<b>73 - 118</b>
	Proposal: Change of use of Office (Use Class B1) to 6 residential flats (Use Class C3) with parking and associated external changes to facilitate the change of use, including the two storey extension previously approved under Planning Permission APP/18/00449.	
	<a href="#"><u>Additional Information</u></a>	
<b>4c</b>	<b>APP/21/00075 - 3 Westmead Close, Hayling Island</b>	<b>119 - 142</b>
	Proposal: Demolition of existing dwelling; Erection of 1No. two storey three bed dwelling and associated works.	
	<a href="#"><u>Additional Information</u></a>	
<b>4d</b>	<b>APP/21/00264 - 33 Victoria Avenue, Hayling Island</b>	<b>143 - 160</b>
	Proposal: Single storey rear extension.	
	<a href="#"><u>Additional Information</u></a>	

**Applications submitted by Havant Borough Council or affecting Council**

**owned land**

- 4e APP/21/00199 - Hayling Billy Trail - 3 sites at 1. Mill Lane, Langstone; 2. North Holt (Car Park), Victoria Road, Hayling Island and 3. Former South Hayling Station site Adjacent to Station Theatre, Hayling Island 161 - 174**

APP/21/00199 Hayling Billy Trail - 3 sites at 1. Mill Lane, Langstone; 2. North Holt (Car Park), Victoria Road, Hayling Island and 3. Former South Hayling Station site Adjacent to Station Theatre, Hayling Island

[Additional Information](#)

- 5 Appointment of Site Viewing Working Party 175 - 176**

## **GENERAL INFORMATION**

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 92 446 231**

### **Internet**

This agenda and its accompanying reports can also be found on the Havant Borough Council website: [www.havant.gov.uk](http://www.havant.gov.uk). Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Mark Gregory (tel no: 023 9244 6232)* on the afternoon prior to the meeting for details of any amendments issued.

### **Public Attendance and Participation**

Please note that the Hurstwood Room has very limited capacity to safely accommodate members of the public in a Covid secure manner. Please contact the named officer above if you wish to attend in person, otherwise we would encourage attendance virtually via the webcast on the Council's website.

IP addresses will not be collected, however in order to function, Skype for Business collects background data limited to when a user enters and leaves the meeting and the web browser version used. Data collected will be kept and recorded for the purposes of this meeting.

Members of the public, County Councillors, and Non-Members of the Planning Committee may submit a written deputation to meetings of the Planning Committee provided that it relates to an item on the Agenda for a particular meeting.

If there has been a deputation within six months of any previous appearance on the same or similar topic (irrespective of whether or not the member(s) of the deputation might be different) then no such new deputation will be received until that time limit has expired. However, "same or similar topic" does not apply to applications for planning permission considered by the Planning Committee.

A copy of a deputation must be received by the Democratic Services Team not later than 48 hours before the start of the meeting (other than when the meeting is on a Monday, when notice has to be in by the previous Wednesday). Written deputations may be sent by email to the address set out below.

A deputation from a member of the public, agent or a County Councillor may be no longer than 750 words (including footnotes). A deputation from a Havant Borough Councillor, who is not a member of the meeting, shall be no longer than 1,500 words (including footnotes). A deputation may not contain images or photographs.

All written deputations will be published on the Council's website at least 24 hours before the start of the meeting. There will be no opportunity to respond to a written deputation after it has been published, unless the response is to correct a technical error and is received 4 hours before the start of the meeting.

Written Deputations may be sent to:

By Email to: [DemocraticServices@havant.gov.uk](mailto:DemocraticServices@havant.gov.uk)

By Post to :

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

Delivered at:

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

marked for the Attention of the "Democratic Services Team"

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

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)



## HAVANT BOROUGH COUNCIL

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### Planning Committee

#### APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE DIRECTOR FOR REGENERATION & PLACE

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#### **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 prior 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	Head of Planning Services
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	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 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 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 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  
Director for Regeneration & Place

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Site Address: Fowley Cottage, 46 Warblington Road, Emsworth, PO10  
7HH

Proposal: Nine new dwellings on the site surrounding the retained Fowley  
Cottage, 2 on the Warblington Road frontage and 7 in the rear garden area.

Application No: APP/20/00376                      Expiry Date: 22/07/2020

Applicant: Mr Glanville

Agent: Mr Swanton                      Case Officer: Daphney Haywood

Re-Format LLP

Ward: Emsworth

Reason for Committee Consideration: At the request of Councillor Kennett

Density: 18.9 dph (dwellings per hectare) based on the developable area.

HPS Recommendation: **REFUSE PERMISSION**

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## **Executive summary**

The current application, which has been submitted following the refusal and dismissal at appeal of a proposal for 7 dwellings on grounds of not making efficient use of land, is for 9 dwellings on part of the curtilage of Fowley Cottage which is a substantial dwelling located within the built-up area of Emsworth. The site is a draft housing allocation in the emerging Local Plan. The site is highly constrained, and the draft allocation has been amended from 40 dwellings to 20 dwellings in response to the constraints.

The current application provides for 9 dwellings ranging in size but all with a large footprint relative to number of bedrooms proposed. There is a finite supply of land and NPPF and local plan policy require proposed developments should make efficient use of land. At a density of less than 20 dph the scheme for 9 dwellings fails to satisfy this requirement and as such is contrary to both adopted and emerging Planning Policy.

As in the case of the appeal proposal most other matters including the impacts on the character of the area, neighbouring properties, flooding and drainage, ecology and trees have been assessed and are considered acceptable.

With regard to the Habitats Regulations Assessment undertaken in respect of the proposals, whilst the applicant has indicated a willingness to enter into legal agreements to secure the required mitigation packages, at the time of drafting this report they have yet to be completed in full. In the absence of completed agreements there would be an unmitigated significant effect on the Solent's European sites and refusal must be recommended at this stage.

In respect to representations received, these include comments both in support and against the proposal, with a number of those in support indicating that the current scheme for 9 dwellings would have a more acceptable impact than the 20 dwellings of the draft housing allocation. The representations are summarised in section 6 of the report.

It is considered that, as in the case of the appeal development there is a conflict with both national and local plan policy and the proposal cannot be supported.

## 1 Site Description

- 1.1 The site forms part of the grounds of Fowley Cottage, 46 Warblington Road, Emsworth which currently has a total land area of approximately 1.02Ha including a tennis court and sea flood zones to the south. The application site itself which excludes the existing house, tennis court and harbour frontage is approximately 0.71 hectares in area, and comprises predominantly mature garden including large trees, shrubs and hedges. The site which is wholly within Flood Zone 1 is the subject of both individual and group Tree Preservation Orders.
- 1.2 Surrounding the site to the north, west and east are largely detached dwellings of mixed age and design which are typical of the wider character area in this part of Emsworth. The site also lies within Landscape Character Area (LCA) H1 Havant to Chichester Coastal Plain as described by Chichester Harbour AONB Landscape Character Assessment. To the south and outside of the site lies Chichester Harbour Area of Outstanding Natural Beauty (AONB) and LCA C2 Emsworth Channel Head and Broad Inlet.
- 1.3 To the south of the site lies the 'Wayfarer's Walk', a public right of way which is part of the coastal path. Beyond this lies the Chichester Harbour AONB.
- 1.4 Adjoining to the west of the site lies Curlew Close, a small residential cul-de-sac of some 5 detached properties. A private covenant exists restricting the number of dwellings that may be served off Curlew Close to six.
- 1.5 There is an existing public sewer which crosses the site and requires a 3m easement zone. A surface water sewer runs along the western boundary and requires a 3.5m easement.
- 1.6 A restrictive covenant covers the site. This is a legal matter and not a planning matter.

## 2 Planning History

APP/19/00623 - Retain the existing 'Fowley Cottage' dwelling and construction of 7No. detached dwellings, two on the Warblington Road frontage and five to the rear garden area. Access to Plot 5 to be taken off Warblington Road, access to Plots 1-4, 6 and 7 to be taken off Curlew Close. Refused 29/04/2020

### **Refusal reasons:**

1

*In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas and so is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the Conservation of Habitats and Species Regulations 2017.*

2

*At a density of only 8.5 dwellings to the hectare (gross) / 14.4 dwellings to the hectare (net) the application fails to make efficient use of land and is therefore contrary to the requirements of the National Planning Policy Framework and Policies H3 and H13 of the Pre-Submission Havant Borough Local Plan 2036.*

3

*The submitted Flood Risk Assessment (FRA) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the Planning Practice Guidance. The FRA does not therefore adequately assess the flood risks posed by the development and as such*

*the proposal is contrary to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

4

*The submitted information does not accord with the requirements of the NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, in that full, up-to-date ecological information including all necessary survey, assessment and mitigation information has not been provided and therefore it has not been possible to conclude on the basis of full knowledge about the ecological impacts of the proposal that any impacts can and will be appropriately mitigated. As such the proposal is contrary to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

An appeal was lodged and subsequently **dismissed**. Based on additional information provided the matters in respect to reasons 1, 3 and 4 were subsequently confirmed as satisfactory and the appeal was dismissed solely in relation to reason 2 (density/efficient use of land) .

The Inspectors report is at Appendix O and concludes:

*I conclude that the proposed development would not make efficient and effective use of land having particular regard to site constraints and the character of the area. It would therefore conflict with Policies CS9 and CS17 of the Core Strategy as referred to above. It would also not accord with the Framework which supports development that makes efficient use of land whilst taking into account the character of the area.*

01/51660/005 - Renewal of outline application 98/51660/3 for 7 detached houses and garages with new access for 2 of the dwellings onto Warblington Road and modification of an existing private drive from Warblington Road to serve 5 of those houses plus Fowley Cottage. Permitted 03/12/2001

98/51660/003 - Residential development comprising 7 detached houses/garages and including a new access for 2 of those houses from Warblington Road and modification of an existing private drive from Warblington Road to serve 5 of those houses plus existing Fowley Cottage. Permitted 30/07/1998

94/51660/002 - Renewal of Outline consent for 2 chalet bungalows with garages. Permitted 31/03/1994

91/51660/001 - Renewal of outline permission 16871/4 for two chalet bungalows with garages. Permitted 21/02/1991

#### Trees

The site has also been the subject of a large number of applications for works to trees covered by a Tree Preservation Order (TPOed trees).

### **3 Proposal**

- 3.1 The application is for 9 dwellings comprising: 1 No. 1 bedroom, 4 No. 2 bedroom, 1 No. 3 bedroom and 3 No. 4/5 bedroom units. Unit 8 addresses Warblington Road. Unit 7 is set at an angle and presents an oblique end-on elevation to the street creating a corner transition between Warblington Road and Curlew Close. The seven dwellings to the rear of the site are orientated to preserve views through the site and ensure that where possible the plots benefit from a sea view with a path providing access to the sea from all plots.

- 3.2 The design proposals are contemporary in appearance with the dwellings typically consisting of a narrow two storey element and a single storey section.
- 3.3 All but one of the properties, plot 8 on the Warblington Road frontage, would be accessed off Curlew Close. Plot 8 together with the existing dwelling Fowley Cottage would be accessed off Warblington Road.
- 3.4 The submitted arboricultural report indicates that 14 individual trees and three groups of trees are to be felled – all category C or U except Himalayan Birch. Additionally, a number of trees would be crown lifted or trimmed back.
- 3.5 Each plot would sit roughly 150mm above existing ground level at the entrance onto Warblington Road. The site has a natural fall away to the sea, so external patios would have steps down to the existing garden levels, and those properties at the southern end of the site would be elevated by 400 to 500mm above existing ground level.
- 3.6 The layout and dwellings have been designed to maximise harbour views and the dwellings would be constructed of untreated vertical timber boarding on grey brickwork plinths with riven slate for the pitched roofs and planted single storey roofs, permeable bonded gravel is to be used to provide vehicular access
- 3.7 The proposed ridge heights would follow ground levels which slope towards the harbour and be in the region of 14.860 AOD at the Fowley Road end of the site and 12.941 AOD at the harbour end of the site. For comparison the ridge height of Fowley Cottage is 14.000AOD.

#### **4 Policy Considerations**

##### National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

##### Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS21	(Developer Requirements)
CS8	(Community Safety)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

##### Havant Borough Local Plan (Allocations) July 2014

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

##### Submission Havant Borough Local Plan

E1 High quality design

E2 Health and wellbeing  
E3 Landscape and settlement boundaries  
H13 Fowley Cottage  
E11 Sports and recreation  
H1 High quality new homes  
H3 Housing density  
IN1 Effective provision of infrastructure  
IN3 Transport and parking in new development  
E22 Amenity and pollution  
E16 Recreation impact on the Solent European Sites  
EX1 Water quality impact on the Solent European Sites  
E12 Efficient use of resources and low carbon design

#### Emsworth Neighbourhood Plan Post Examination Version 2020

D1 – General Design Policy  
D2 – Height, Mass & Materials  
D3 – Layout, Form & Density  
D4 – Design of Public Spaces & External Areas  
D5 – Integration & Strong Connections  
D6 – Resource Efficiency  
D7 – Mitigate Light Pollution  
L1 – General Housing Policy  
L2 – Housing Mix  
WF1 – Public Enjoyment of the Waterfront

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

## **5 Statutory and Non Statutory Consultations**

### **Arboriculturalist**

It would appear that the latest revisions to this application have addressed our initial and ongoing concerns and objections to the scheme, and this revised proposal is certainly significantly improved to a standard where we are able to now withdraw an objection on arboricultural grounds.

However, I note that 13 trees one of which is a Cat B Birch are proposed for removal within the site, whilst I am not happy with the loss of trees to facilitate a development the trees highlighted for removal are in the main a lower quality (Birch excepted) and can easily be replaced and mitigated for - a comprehensive tree replanting scheme must be agreed in writing and any trees that fail within the first five years of planting must be replaced by the owner.

In reference to BS:5837 (2012) it would be difficult to argue that the trees highlighted for removal should remain and be considered a constraint to development due to their categorisation and position.

If permission is given, then the following must be conditioned:

A pre-commencement site visit / meeting must take place between the Site Manager, Arb Consultant and an HBC representative to ensure that all tree protection is in place prior to any works beginning on site.

All works within the RPA of trees must be supervised by the Arb Consultant to ensure no harm occurs, any roots found above 25mm in diameter must not be cut without the permission of the LPA.

The AMS and TPP must be strictly adhered to with no deviation.

Any underground services must be installed outside of the RPA.

### **Building Control, Havant Borough Council**

Building Regulation consent will be required for this work

Access to dwellings should comply with Approved Document B Section 5 Fire Authority access and consideration of waste collection AD H vehicles and collection points

Consultation with Southern Water regarding easements as sewer line may differ

Once Building Regulation submission made issues such as thermal considerations due to glazing amounts will need to be discussed and ensuring means of escape provisions comply

### **Chichester Harbour Conservancy**

At the meeting of its Planning Committee today, Conservancy Members remarked on the drainage solution to serve the development and whether capacity to treat sewage existed at the Thornham Waste Water Treatment Works, and wished to add to the officer recommended planning conditions to ensure an appropriate drainage solution was delivered to both serve the development, safeguard water quality in Chichester Harbour and ensure flood risk was not increased off-site.

Subject to those observations, the following was resolved in terms of the above planning application –

“No objection, provided -

(a) The Council secures the necessary SDMP payment to fund ecological mitigation from increased recreational disturbance through a formal legal agreement before the development commences; and,

(b) The following planning conditions being imposed:-

- Tree protection to be in place before the commencement of development and retained throughout in accordance with the arborist report recommendations;
- Any tree felling to take place outside the bird nesting season (i.e. not between March to October);
- Agreement of a Construction Environment Management Plan, to ensure that the public right of way in front of the site is not obstructed during the build process;
- Samples of external facing and roofing materials – including solar panels if they are to be installed on roof surfaces - to be agreed (with the Conservancy's preference of colour finishes of a dark hue);
- A management plan should be prepared to maintain the land between the site and the coastal footpath and no structures should be erected within it (i.e. if these areas are to be formally conveyed to any of the residential plots proposed, permitted development rights relating to outbuildings, including swimming pools should be withdrawn);
- Details of a hard and soft landscape design to follow the principles set out in the previous Terra Firma Landscape Strategy drawing 2067-TF-00-00-SK-L-0001 02 (submitted under application APP/19/00623), to be submitted for approval/implemented/maintained: the scheme should at least include the replanting of 20 new trees to heavy nursery standard;
- All external lighting to be submitted for approval and be so designed to minimise impact on the setting of the AONB;
- Implementation to the incorporation of bat or bird boxes into the fabric of the new dwelling, and wild flower meadow planting, recommended by the applicant's ecologist,



to achieve a net gain to biodiversity and,

• The submitted foul and surface water drainage solution shall be fully implemented to ensure the development is properly serviced, that water quality in Chichester Harbour is safeguarded and that flood risk off-site is not increased.”

If you wish to see a copy of the Conservancy’s report, please go to –

[https://www.conservancy.co.uk/assets/files/cms\\_item/447/d-13\\_July\\_2020\\_Planning\\_Committee\\_Agenda\\_and\\_Papers-98X0jzODb0.pdf](https://www.conservancy.co.uk/assets/files/cms_item/447/d-13_July_2020_Planning_Committee_Agenda_and_Papers-98X0jzODb0.pdf)

- for the 13 July 2020 Committee papers.

### **Coastal Engineering**

The Eastern Solent Coastal Partnership (ESCP) have no objection in principle to the proposed development.

The site is shown to lie within the Environment Agency's present-day Flood Zone 1 and is therefore considered to be at low risk (less than 1 in 1000 year / 0.1% annual probability) of experiencing an extreme tidal flood event. By 2115, a small portion of the south of the development site is predicted to be located between Flood Zones 2 & 3 and may therefore be at risk from a 1:200 year (0.5% annual probability) extreme tidal flood event.

For information, the present day 1:200-year extreme tidal flood level for Chichester Harbour is 3.4 mAOD, increasing to a predicted 4.5 mAOD by the year 2115, due to the effects of climate change.

The applicant has submitted a revised Flood Risk Assessment (FRA), dated 7th August 2020, which sufficiently outlines how flood risk at the site will be mitigated.

The ESCP would concur with the following proposed planning conditions as requested by the Environment Agency, to be implemented prior to occupation of the development:

1. The proposed dwellings will have a minimum finished floor level (FFL) of 4.89 mAOD, equivalent to the 2115 design tide level and including a 300mm freeboard allowance.

2. To ensure safe access and egress for all vehicles in the event of extreme tidal flooding, the road will also be set at 4.89 mAOD.

3. Appropriate flood resistance and resilience measures will be incorporated into the construction of the development, where practical to do so.

### **Community Infrastructure**

#### CIL

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which permission is issued, if a permission is issued in 2021 the amount of indexation would be 48.66%. It is expected to change/potentially increase if permission is issued in 2022. Given the recently updated description of the site a new CIL Form 7 (1) should be submitted.

CIL liability of £214,368.75 arises

#### S106

Additionally, pending a response from Natural England on the ‘HRA’, instructions

should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the additional dwellings and its respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

**If a wider S106 is required, arising out of statutory consultee responses, it should include the above.**

Subject to statutory consultee responses we would expect the S106 to include (amongst any other site-specific obligations necessary):

**HBC Monitoring Fees:** As part of the HBC 'Heads of Terms' it would be necessary to include monitoring fees. The amended CIL Regulations effective 1/9/19 regularise the collection of S106 monitoring fees. We have an agreed schedule of charges and these are set out in Appendix A (updated figures provided from 1/4/21):

<https://www.havant.gov.uk/sites/default/files/documents/Update%20Apr%202020.pdf>

### **Countryside Access Team**

No comments received

### **County Ecologist**

The application is accompanied by a Phase I Ecological Survey (EcoSupport, Updated April 2020) and I have also reviewed the previous Ecological Impact Assessment in Respect of Bats (Ecosa, August 2019). The site itself is of generally limited ecological value, comprising a large residential garden containing managed lawn and various planted trees, shrubs and herbaceous plants. The existing dwelling and outbuildings are located in the north of the site. Given the generally limited ecological value of the site itself I am content that sufficient information has been provided and that the proposed ecological mitigation, compensation and enhancement measures are proportionate.

Overall I would not raise any particular concerns in relation to on-site ecological matters. The site is in close proximity to the Solent Maritime Special Area of Conservation, Chichester & Langstone Harbours Special Protection Area and Ramsar site, and the underlying Chichester Harbour Site of Special Scientific Interest. There is clearly potential for construction activities, as well as the presence of new dwelling in this location, to result in impacts to these designated sites and the species and habitat they support.

The potential impacts from construction activities can be addressed through the submission of a Construction Environment Management Plan (CEMP). This should detail all measures designated to avoid/mitigate potential impacts arising from e.g. noise and visual disturbance, and airborne and waterborne pollution. I note that Natural England have requested that a CEMP is secured.

If you are minded to grant permission can I suggest that all ecological mitigation, compensation and enhancement measures are secured.

*Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Phase I Ecological Survey (EcoSupport, Updated April 2020) and Ecological Impact Assessment in Respect of Bats (Ecosa, August 2019) unless otherwise agreed in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be implemented as per ecologists instructions and all compensation and enhancement features retained in perpetuity in a location suited to their intended function.*

*Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

In addition I would suggest that a CEMP is secured.

*Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This CEMP shall include (but not be restricted to): pollution prevention measures; measures to control surface water run-off and the emission of dust and noise; and specific measures to avoid damage and disturbance to important habitats and species.*

*Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

### **County Minerals**

No comments received

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

No comments received

### **Developer Services, Southern Water**

The submitted drawing (15048-RFT-00-ZZ-DR-A-0121-S1) indicates sewer easement of 3 metres for 300 mm public foul sewer and 3.5 metres for 450 mm public surface water sewer which would be satisfactory to Southern Water.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers"

([southernwater.co.uk/media/1642/ds-tree-planting-guide.pdf](http://southernwater.co.uk/media/1642/ds-tree-planting-guide.pdf)) and the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents](http://water.org.uk/sewerage-sector-guidance-approved-documents)) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

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.

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

Developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. No additional flows other than currently received can be accommodated within exiting sewerage network.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

### **Environment Agency**

We have reviewed the submitted documents and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore withdraw our previous objection.

The proposed development will only meet the National Planning Policy Framework (NPPF) policy of the Planning Practice Guidance for Flood Risk and Coastal Change if the following planning conditions are included.

#### **Conditions**

The development permitted by this planning permission shall be carried out in accordance with the submitted updated flood risk assessment (FRA) TR/MT/5042.FRA.7 August 2020 and the following mitigation measures they detail:

- Section 3.5 - It will be ensured that the proposed dwellings will have a minimum FFL (finished floor level) of 4.89m AOD (i.e. 2115 flood level of 4.59m AOD + 300mm freeboard allowance).
- Section 4.3 - It will also be ensured that the level of the road will be set at a minimum level of 4.89m AOD. To ensure safe access for all vehicles, including emergency vehicles. It is suggested that this is controlled by a suitably worded planning condition.
- Section 3.6 - In accordance with Planning Practice Guidance, the proposed buildings

should be designed and constructed with flood resilience measures in mind, thus reducing the impact in the unlikely event that flood water enters the proposed buildings, to ensure no permanent damage is caused, structural integrity is maintained and drying and cleaning is easier. In this regard, the proposed dwellings will be designed in accordance with the Communities and Local Government document entitled, 'Improving the Flood Performance of New Buildings - Flood Resilient Construction'. Examples of flood resilience measure include raised electrical sockets; sump and pump systems; and using water resistant materials in kitchens and bathrooms.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### *Reason*

To reduce the risk of flooding to the proposed development and future occupants.  
To ensure safe access and egress from and to the residential buildings.

#### Advice to LPA

The LPA should list the FRA in the conditions as an approved plan/document to which the development must adhere. It is recommended these conditions are in place before the development begins.

#### Environmental permit

Planning permission does not remove the requirement for an Environmental Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity."

#### **Hampshire Highways**

The applicant has provided drawing number 15048-RFT-00-ZZ-DR-A-0121-S1 Rev P20 which incorporates revisions to the development layout. The latest proposal relocates dwelling number 9 away from the site frontage to be accessed via Curlew Close, removing the requirement for the new northern dropped kerb access. The Highway Authority raises no objection to this proposed layout change.

The plan also revises the parking layout for dwelling number 8 to remove the requirement for tandem parking. Instead, 3 parking spaces will be provided for a larger property accessed via the Fowley Cottage dropped kerb. The Highway Authority acknowledges that the updated proposals will remove the requirement for a car to reverse back onto the footway when manoeuvring into the parking bays and is therefore the preferred option from those presented to date. This addresses the

concern raised within previous responses.

Whilst not an impact on the public highway, the Highway Authority does note that the easternmost parking bay for property number 8 could be constrained in that a car out of the space may be affected by the space provided on the private access track, despite the additional width provided on the southern side of the track. Tracking has not been provided to confirm that a car can undertake this manoeuvre. Visibility to cars travelling down the access track from Fowley Cottage may also be restricted by the boundary features in place. The planning authority may wish to consider these points further.

The latest amendments to the internal layout has addressed the Highway Authority's previous concerns. No objection is raised, subject to the following condition:

#### CONSTRUCTION METHOD STATEMENT REQUIRED

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;

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.

#### **Hampshire Wildlife Trust, Beechcroft House**

No comments received

#### **Nutrient Team**

There is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00376.

#### **Natural England Government Team**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 11<sup>th</sup> August 2020 (our ref: 322632).

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

#### Comments of 11 August:

Thank you for consulting Natural England on the above HRA and AA. This response also covers our response to the consultation for the above application itself. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural

England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

**Solent Recreation Mitigation Strategy – no objection subject to mitigation**

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

**Nutrient Neutrality – no objection subject to mitigation**

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please consult Natural England on the discharge of the Grampian condition.

**Construction Impacts – no objection subject to mitigation**

It is noted that a CEMP will be secured with any planning permission, with some mitigation measures included in the Appropriate Assessment. Provided the CEMP includes best practice measures for dust control, pollution and surface water drainage measures during construction and measures to prevent noise, lighting and visual disturbance on the designated sites, Natural England raises no further comments. It is also recommended that the following condition is attached to any planning permission:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a

condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

We advise that you may want to seek your own legal advice on the implications of the Sweetman II ruling and the level of detail that should be included within an Appropriate Assessment.

### **Surface water drainage**

Due to the close proximity of the designated sites, we advise that any SuDS should be designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753).

The pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

Provided this is secured with any planning permission, Natural England raise no further comments.

### **Open Space Society**

No comments received.

### **Planning Policy**

#### **Policy Status:**

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for the borough. The [Havant Borough Local Plan](#) (HBLP) was submitted for Examination on the 12<sup>th</sup> February 2021 and can be afforded limited weight.

The following Adopted Local Plan policies are of particular relevance:

- CS8 – Community Safety
- CS9 – Housing
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM8 – Coordination of Development
- DM10 – Pollution
- DM13 – Car and Cycle Parking in Residential Development
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

In the Pre-submission Plan the following policies are of particular relevance:

- E1 | High quality design
- E2 | Health and wellbeing
- E3 | Landscape and settlement boundaries
- E11 | Sports and recreation
- H1 | High quality new homes
- H3 | Housing density



- E1 | High quality design
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- E22 | Amenity and pollution
- H13 | Fowley Cottage

Importantly, the [Emsworth Neighbourhood Plan \(ENP\)](#) has also reached an advanced stage of preparation, and the examiner's report was received on 6 January 2020. A referendum is scheduled to take place on 8<sup>th</sup> July 2021. Planning Practice Guidance indicates that a neighbourhood plan may be given significant weight in decision-making in advance of a referendum.

The following policies from the ENP are of relevance:

- D1 – General Design Policy
- D2 – Height, Mass & Materials
- D3 – Layout, Form & Density
- D4 – Design of Public Spaces & External Areas
- D5 – Integration & Strong Connections
- D6 – Resource Efficiency
- D7 – Mitigate Light Pollution
- L1 – General Housing Policy
- L2 – Housing Mix
- WF1 – Public Enjoyment of the Waterfront

This application is a revised submission following the refusal of planning permission reference APP/19/00623 on 29 April 2020 for the retention of the existing 'Fowley Cottage' dwelling and the construction of 6 No. 5 bed detached dwellings. This scheme has also been subsequently revised since my original comments dated 22<sup>nd</sup> June 2020, and the commentary below has been updated accordingly.

### **Principle of Development:**

The site lies within the urban area as defined by Policies CS17 and AL2 of the adopted local plan and emerging E3 of the Pre-Submission Local Plan. Policy CS17 caveats that development will be acceptable within the five urban areas of the Borough where it *makes the most effective use of land*. The policy also prioritises previously developed land or underused land or buildings within the urban area. Therefore, development is supported in principle where it can be shown it will make the most effective use of land, subject to other relevant considerations. The acceptability of the principle of development therefore hinges on whether it makes an effective use of land.

The site is identified for about 20 dwellings under Policy H13 in the Submission version of the Plan.

For the purposes of Policy H3 (Housing Density) which is considered in further detail below, residential density is taken as dwellings per hectare across the net developable area. Figure 1 of the [Residential Density Evidence Paper](#) indicates the development elements should be included for gross and net area calculations. In the case of the latter "any significant buffer areas required for landscape, ecological or infrastructure such as underground pipes" should be excluded. It is considered that retained trees and the necessary buffers and root protection zones would qualify within that definition.

For allocations in the Submission Plan, yields were calculated using the net developable area considering any high-level mappable constraints including access, ground conditions, flood risk and contamination. In this case, the Flood Zones 2 and 3

affecting the southern part of the site were taken into account, reducing the net developable area to approximately 1ha. More detailed information was submitted by the applicant during the previous application reference (APP/19/00623) which indicated a developable area of no more than 0.5ha, having regard to the tree constraints and sewer easement. As such, the submitted Local Plan indicates a reduced site capacity of 20 dwellings (from the 40 dwellings included in the [CD09 2019 Pre-Submission Local Plan](#)).

The site yield was calculated by applying 40dph across the developable area accordingly (0.5ha x 40 dph = 20 dwellings).

It is acknowledged the site capacities of allocations are set at 'about' rather than minimums or maximums. This is because depending on the form of development proposed through a planning application, it could be that different numbers of homes are achieved subject to other relevant policies or material considerations in the Plan.

It should also be noted that the application site area differs from the allocation site in the Submission Local Plan. The existing house and tennis courts are excluded from the application red line, of which the submitted application form indicates the site has an area of 0.71 ha (when compared to the 1.1 ha site area identified by the allocation).

### **Housing Density:**

#### National Policy Context

The 2019 NPPF includes a specific section on 'Achieving appropriate densities' which contains guidance on how planning policies and decisions should support development that makes efficient use of land (paragraph 122).

Paragraph 123 of the 2019 NPPF is clear that planning policies and decisions avoid homes being built at low densities and seeks to ensure that developments make optimal use of the potential of each site, especially where there is an existing or anticipated shortage of land for meeting identified housing needs. In such cases, the use of minimum density standards should be considered and as a result are being taken forward through the Havant Borough Local Plan 2036.

In addition, part c) under paragraph 123 indicates that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. It is noted this represents a step change from the 2012 NPPF which did not include a specific section on 'Achieving appropriate densities' (paragraphs 122-123).

The 2012 NPPF previously stated that planning policies and decisions should encourage the *effective* use of land by re-using land that has been previously developed (brownfield land) (added emphasis) (paragraph 111) as opposed to making 'efficient' or 'optimal' use of the land. Though it is noted that it did provide for local planning authorities to 'set their own approach to housing density to reflect local circumstances' (paragraph 47).

In this particular case, the application site relates to residential garden land which is excluded from the definition of 'previously developed land' in Annex 2 of the 2019 and 2012 NPPF respectively. It is noted the 2019 NPPF does not distinguish between previously developed land and undeveloped land in the context of achieving appropriate densities.

#### Local Policy Context

Policy CS9 of the Adopted Local Plan (Core Strategy) states that planning permission will be granted for housing proposals that will:

*“achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shop and services in addition to respecting the surrounding landscape, character and built form.”*

Paragraph 6.21 of the supporting text indicates that the density of new housing will depend on its design and appropriateness to its location. A range of minimum density thresholds were developed using the Havant Borough Townscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:

High Density	- Minimum of 60 dwellings per hectare
Medium Density	- Minimum of 45 dwellings per hectare
Low Density	- Up to 45 dwellings per hectare

Paragraph 6.22 indicates that where the quality of design justifies it, much higher densities could be achievable. This is likely to be more appropriate in town centres or highly accessible locations. It also notes that seeking higher density in such locations will reduce the requirement for greenfield land release and ensure that more people have excellent access to jobs, public transport, shops and services.

Policy H3 in the emerging Local Plan indicates that residential development must maximise its contribution to addressing housing need in the context of the finite undeveloped land in the Borough. The policy also requires development to provide for a minimum of 40 dph outside of town and district centres and defined opportunity areas. This increases to 55dph within defined ‘opportunity areas’. The [Residential Density Evidence Paper](#) defines opportunities for higher density residential development dependent on accessibility to services that would support future occupants. For Emsworth, this includes shops and services, train station and bus routes. Figure 23 of the plan confirms that the site is partly within the Emsworth opportunity area and partly outside it.

Policy D3 in the emerging Neighbourhood Plan also indicates that development proposals should make the most efficient use of land and be developed at the optimum density. The optimum density should result from a design-led approach to determine the capacity of the site, with particular consideration given to:

- the site context
- its connectivity and accessibility to surrounding areas by walking, cycling and public transport.

It also confirms that residential development that does not demonstrably optimise the density of the site should be refused.

#### Site Specific Constraints

Paragraph 6.33 of the supporting text for emerging Policy H3 indicates that site-specific constraints and local character may justify a different approach having regard to the site context. In such circumstances, a detailed Design and Access Statement must fully explain the rationale to the proposed approach to the design and layout of the scheme. In this respect, Section 2 of the submitted Design and Access Statement provides an assessment of the site constraints which have influenced the arrangement and design of the proposed houses, including important trees, the extent of flood risk affecting the southern part of the site; sewers, residential amenity of neighbouring occupiers and a restrictive covenant (which would not be a material consideration) on Curlew Close which allows a maximum of 5 dwellings to the south of the existing house.

The submitted Constraints Plan includes a quantitative assessment of the likely developable area which takes into account the site's constraints including easement needed for the sewer, the TPOs and the root protection areas. It is understood the applicant has revised the scheme following the comments of the Arboricultural Officer which suggested a need to reduce the quantum of development on the front (northern part) of the site. The Revised Constraints Plan indicates a maximum deliverable area of 0.478ha. In addition, an additional studio dwelling is proposed within the southern part of the south which would provide a total of 7 dwellings to the south of the existing house. It is understood that this would be achieved by altering the covenant which currently restricts the number of new dwellings which can be accessed off Curlew Close.

Based on the revised Constraints Plan, the northern part of the site has a net developable area of 0.103 ha and the southern part of the site has a developable area of 0.373 ha to provide a total net developable area of 0.476ha. Based on the submitted scheme of 9 dwellings, this would provide a density of about 18.9 dph. However, the northern part of the site falls within the 'area of search for 55 dph' as defined by Figure 23 in the -Submission Local Plan, whilst the southern part of the site would be expected to provide 40 dph under the emerging policy.

It is acknowledged that the northern part of the site is constrained by trees and its capacity is therefore likely to be limited. If 40 dph is applied across the developable area of the southern part of the site, this would equate to around 14.92 dwellings (0.373ha x 40 dph) when compared to the proposed 7 dwellings.

#### Local character

Whilst it is noted that the street scene character is predominantly large, detached dwellings, with the information available there is a limited justification for the proposed form of development and why it justifies a deviation from the density standard of 40 dph under emerging Policy H3.

The amended development scheme would provide for a total of nine dwellings, of which a greater proportion (four) would be smaller dwellings including four no. 2 bedroom dwellings and a studio (1 bed) which is welcomed. Larger units would include: one 3-bed, and three 4-bed. However, these would be substantial when compared to the Nationally Described Space Standards:

	<b>Floorspace (Gross Internal Area)</b>	<b>Nationally Described Space Standards GIA</b>	<b>Comparison</b>
4 x 2-bedroom detached houses	123-170	79 (4 person)	+155-215%
1 x 3-bedroom detached houses	247	95 (6 person)	+260%
3 x 4-bedroom detached houses	279	124 (8 person)	+225%

The above table shows that the small dwellings (2 bedroom units) would be at least one and a half, and that two of the 2-beds would be twice the size of NDSS for two-bedroom dwellings. The 3 and 4 bedroom units would be over twice the size when compared NDSS.

It is acknowledged that the front (northern) part of the site and the developable area means that it is unlikely to be capable of accommodating more than two dwellings. However, it is difficult to conclude that the proposals would make an efficient use of available land on the southern part of the site in accordance with Policy CS17.

Paragraph 123 section c) of the 2019 NPPF is clear that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.

It should, however, be noted that there are other considerations such as local character which may justify an alternative design approach and this would need to be weighed in the overall planning balance.

### **Coordination of Development**

Policy DM6 of the Core Strategy indicates that development will only be permitted where they do not undermine the future development of adjacent sites. This principle is reinforced by criterion h. of emerging Policy DR1. Paragraph 10.21 of the supporting text in the Core Strategy indicates that

*“Development should not be piecemeal or prejudice the potential for the satisfactory development of a larger area. Piecemeal schemes which avoid the need for developer contributions will be refused.”*

In this particular case, it is noted the applicant is the current owner of the existing house and the tennis courts are in the same ownership and are to be retained as part of a shared communal facility. It is noted that this could potentially prevent a larger development coming forward and could be seen to circumvent other developer requirements. These are set out in further detail below.

### **Housing mix and affordable housing**

Policy CS9 (as amended by the NPPF) sets out that 30-40% affordable housing should be provided on housing sites of 10 or more dwellings; and that housing proposals will provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities. It is considered that the proposed development could potentially create a form of ‘gated community’ and would not support social cohesion with the surrounding area.

Paragraph 6.24 of the Core Strategy states that a mix of dwelling types should sought from one and two bedroom flats to terrace and larger detached houses. It is noted that the proposal would provide nine detached dwellings.

It is considered, with the available evidence, that the site has the potential to accommodate more development than is proposed. Emerging policies on affordable housing (H2 of the HBLP and L1 of the ENP) and mix (H4 of the HBLP and L2 of the ENP) have a threshold of ten dwellings and so would not apply to the proposal as currently designed.

The Neighbourhood Plan also recognises that the neighbourhood plan area may wish to encourage the provision of more flats and terraced housing which would complement the large number of existing larger detached houses. In this respect, the provision of a proportion of smaller dwellings (1-2 bedrooms) is encouraged, for which there is evidenced demand. It is noted that five of the nine dwellings would fall into this category.

In terms of mix, the Council’s [Specialist Housing Analysis](#) indicates that Emsworth has a surplus of 4+ bedroom market properties (25%) relative to assessed need (11.6%) and a deficit of 2 bedroom properties for which there is a clear need (20% stock v 34.2% need).

In addition to the above, the supporting text to Policy H2 (para 6.28) sets out that:

*“Housing proposals will be expected to make efficient use of land in line with Policy E1 (High Quality Design). Any proposal that appears to have an artificially lower density in order to avoid the affordable housing requirement may be refused planning permission”.*

The latter principle is also set out in Policy DM8 of the Adopted Local Plan.

## **Design**

More generally, both the adopted and emerging local plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- E1 High Quality Design (HBLP 2036)

These considerations are reinforced through the Design Policies (D1 to D7 + design checklist) in the Emsworth Neighbourhood Plan.

## **Health and wellbeing**

The Submission Local Plan (E2 and E11)) and the NPPF (paras 96-101) promote achieving health gains through planning decisions. Both (E11 and para 97) set put a presumption against the loss of sports provision. Whilst a private and not public facility, ensuring that it would not be lost through development is considered appropriate in that it would serve to boost healthy living for the proposed occupants. There would be an opportunity to allow public use of the facility though it would appear only to be available to the residents of the development, and potentially those of Curlew Close.

The site also includes common parts, including vehicular and pedestrian access to the southern properties from Curlew Close. At the south of the site there is an access to Chichester Harbour and Footpath 56 (Wayfarers Way), which runs along the coast from Emsworth to Langstone. However, this is private access for use by residents only. Policy E2 of the Submission Local Plan highlights the need to enhance existing and facilitate new opportunities for active travel (walking and cycling) ...by...creating and improving pedestrian and cycle routes linkages within the Borough and to surrounding areas, particularly...along the coast. The need for a safe and convenient access to Footpath 56 is also highlighted in the allocation for the site (H13). In this respect, it is also noted that criterion f of Policy E1 indicates that the layout should provide safe and convenient access for all users. It is recognised that consideration should be given to the need for natural surveillance and lighting, ensuring that the latter does not adversely affect designated habitats or the landscape.

The Neighbourhood Plan refers to access to the waterfront and recognises the health and leisure benefits that residents can gain from the coastal path. Policy WF1 is clear that any new development on any waterfront site shall provide public right of access to the waterfront. It is also indicates that applications should include an appraisal of options for the provision of public spaces and leisure facilities, and must clearly explain how the proposals have taken account of this appraisal. This must be afforded substantial weight.

## **Development Requirements:**

The full set of developer considerations can be found in the emerging allocation policy; please see Policy H13 in the Submission Draft Local Plan. The applicant should ensure these are satisfactorily addressed through assessments of these site issues as part of

any planning application.

In addition to the above, emerging policies which are of particular relevance to the proposed development are summarised below:

- **Low Carbon Design** – Residential development is expected to achieve a 19% reduction in Dwelling Emission Rate in accordance with emerging Policy E12.
- **EV Charging Infrastructure** – Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking in line with emerging IN3.
- **Management Plans** – A management plan is likely to be required through a legal agreement to establish the whole life management and maintenance of the common parts within the development.

#### **Parking:**

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, emerging policy IN3 and the Council's Parking SPD.

#### **Summary:**

Emerging policy H3 must be afforded some weight particularly given the clear direction in national policy to optimise the use of land. The NPPF in and of itself is also a material consideration in the determination of planning applications.

The development proposals would provide for a significantly lower density than set out by emerging policies H3 and H13. Paragraph 123 section c) of the 2019 NPPF is clear that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. Whilst it is acknowledged that the northern extent of the site is constrained, it is difficult to conclude that the proposals would make an efficient use of available land on the southern part of the site, by virtue of the scale and massing of the dwellings. The larger (3&4 bed) dwellings which are over 2-2.5 times the size required by space standards, and although effectively "pass" this requirement clearly overachieve at the expense of the density that could be provided on this site. For example, these dwellings could relatively easily be subdivided to provide 2no. dwellings in place of one.

It is also noted that there may be other considerations such as local character which may justify an alternative design approach, and this must be weighed carefully in the overall planning balance. Furthermore, the proposed form of development by virtue of the scale of the dwellings seeks to artificially lower the density of the site, and thereby circumvent the requirements for housing mix and affordable housing.

#### **Public Spaces**

No comments received

#### **Ramblers Association**

No comments received

#### **Royal Society for the Protection of Birds**

No comments received

#### **Traffic Management, East Hampshire District Council**

We would expect to see a minimum of 2 spaces for the 2 and 3 bedroom properties and 3 spaces available for the 4+ bedroom properties as per HBC Parking Standards 2016 and visitor parking to be provided up to 2 spaces.

**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: 45

Number of site notices: 2

Statutory advertisement: Not applicable.

At the time of writing the report the number of representations received was 61 comprising 30 objections, 30 in support and 1 comment. It should be noted however that in submitting their representations there are instances where the author has recorded their comments in the 'sense box' on the website as an objection, when in some cases the comments actually are in support or neutral.

In the interests of transparency all comments in support or neutral have been summarised below, as have objections. These include the letter from the Emsworth Residents Association which supports the current proposal but not the higher density of the draft allocation.

**Summary of Comments**

<b>Principle</b>	
<i>Objection</i> Not required as HBC has already satisfied its target for housing.	
Accepting several builds in the flood region will set a precedent for all neighbouring properties to apply to build onto the foreshore destroying the beauty of the coastal pathway.	
Covenants should not be ignored.	
There will be a considerable additional demand on utility services.	
Use of the field by local clubs and for dog training will cease.	
<i>Neutral</i> Property values are high in the road and any new houses even if at high density would not be affordable.	
If Fowley Cottage and the tennis court come forward for development this would unacceptably increase the density.	
Whilst 9 dwellings are a lot better than 19 this should not come into the equation as it could be seen as a threat.	
We note that plot 9 now has its own delineation whereas in earlier iterations of the proposed development this shows as a garden studio. We presume it now becomes a distinctly separate plot to appease planners and keep the property count up on the development.	



The South West aspect of Emsworth is an area of natural charm for walkers and this should be preserved against higher density builds.

*Support*

There is enough land elsewhere to meet housing need, why spoil this beautiful area next to designated AONB, support this planning application. It provides more housing in this area without adding unduly to the traffic intensity and complements the low-intensity buildings currently set along the shoreline. 20 houses would be totally unacceptable and at a density excessively greater than the neighbouring properties or let out for parties which will not contribute to local housing need and the community.

16 or 20 new buildings on this site is too much. It would spoil the surrounding area quite considerably - this plot should not be for affordable housing since there is nothing similar in the area. Instead, it should be developed as a quality residential development and for this reason, I support the application for 8 or 9 dwellings. An increased development would strain already failing infrastructure (road and sewage).

These are brilliant buildings that fit in well with the surrounding area. I would like to see this go ahead as something that Emsworth residence can be proud of. The alternative is rather sad and unsustainable.

I write in strong support of this application and in opposition to any suggestion of a higher density development on the site. The proposals are sensitive and appropriate for this tranquil and beautiful site. The plans are an aesthetically pleasing contemporary design in keeping with housing density and character of the neighbourhood. More houses would mean more traffic and detriment to important habitat.

Very much better than having high-density houses that would otherwise detract from the area. I would hate to see this site wrecked by a careless developer not considering the surroundings.

**Traffic and parking**

*Objection*

Warblington Road cannot cope it is narrow, heavily trafficked, used to access the foreshore and extensively used for on road car parking which restricts width causing congestion. Recent construction traffic has parked illegally on the footpath causing obstruction to pedestrians.

Additional traffic on the roads from construction and future occupiers and delivery vehicles parking in Warblington Road.

Parking for visitors should be provided.

Inevitably cars will be parked along the length of Curlew Close, for example when there is a party.

New housing will cause increased traffic volume along Warblington Road and into the junction with the A 259. This is already a difficult junction, with space for only one car at a time.

It appears that the access road for the new development is too narrow to accommodate street parking for visitors and delivery vehicles. This will cause overspill parking onto Warblington Road, which already has a problem with the

volume of street parking.

Congestion and danger around the entrance and to Curlew Close which is a single lane private road with visibility and no footpath, I am certain that many will simply park outside on Warblington Road itself.

Vast majority of 'new' traffic associated with the dwellings, will enter the site right opposite number 43 Warblington Road, and those in Curlew Close itself will see a vast increase of passing traffic from seven of the proposed properties  
The local road cannot cope with the additional traffic and the junctions with the A259 at the North end of both Clovelly Road and Warblington Road are narrow, and neither is wide enough for a car to safely exit and enter these.

The traffic situation in the area is already very serious and dangerous and the extra vehicles would have a severe and detrimental impact on safety.

*Neutral*

Yellow lines in Warblington Road extending 200M east and west of Clovelly Road required because the Clovelly junction with Warblington Road is at a difficult angle and already causes congestion.

**Visual impact**

*Objection*

This site is the only remaining green space along the shore West of Emsworth until Nore Barn Woods. such green spaces should surely be preserved. The destruction of a very unique part of the local character and environment.

Unattractive design, with huge barn-like slab sides too close to the road, overly tall and large and detrimental to character of the area and Warblington Road. Dwellings should be more modest, and of a design more in keeping with the area. This would be damaging to the feel and aesthetic by truncating the line of sight with a large house out of character with nearby properties.

Out of character - All 9 dwellings use the same lifeless cold materials and are of substantially the same design and external appearance, whereas dwellings in the local vicinity are of a significant mix of design, appearance, materials and alignment.

The southern aspect of the development along the foreshore is not in keeping with the current foreshore profile, and the loss of open space by the crowding of such large houses toward the southern aspect diminishes the unique rural qualities of Chichester Harbour.

The two most southern properties are elevated above sea level and tower above the surrounding houses in order to ensure that the properties fall outside of the 2115 flood levels.

Beautiful Fowley Cottage is swamped by this belittling, expansive housing estate when viewed from the foreshore and open character of the area destroyed. No provision for boat/ water equipment storage would result in cluttered appearance. No boats should be stored on this site.

*Neutral*

If Fowley Cottage and the tennis court come forward for development in the future this would further impact the character and amenities of the area.

Fowley Cottage, along with several other Warblington Road and shore line

properties, should be listed buildings given their domestic architecture.

**Amenity**

*Objection*

Inadequacy of parking on congested road will be detrimental.

Added height reduces daylight, privacy and outlook for adjacent properties. The design and appearance of the towering and heavy proportions of the buildings oppressively dominate the sky line of neighbouring properties.

To offer views and increase the market value of the properties the builds are set only meters away from established builds reducing light due to their towering aspect and privacy with the design open aspect.

The size and siting of house no.1 blocks the only open aspect we have left in our home. The loss of light to our property would be significant and is our main objection. We are already grossly overshadowed by Fowley's dense, fast growing trees and lose all sunlight by mid-afternoon. The new house effectively blocks the sky to the south of the trees and we would sit in shadow for much of the day. This unacceptable loss of light (and house value) is the most significant consequence of the proposal and must be addressed.

Plan misleading as trees inaccurately plotted and boundary with 44 Warblington Road inaccurate and street elevation does not show pitched roof over car port to No 44.

Loss of light, open aspect and amenity caused by the tall height and barn like structure of the house in plot 1. It is located close to the boundary and presents a long tall featureless mass to our plot. It will reduce significantly the light reaching our garden, which is already overshadowed by surrounding houses and tall trees. The long narrow design of houses 1 and 2, with a roof that projects over a balcony at the front and over bedrooms above car parking at the rear, offers a grim prospect from the side. No attempt has been made to reduce this impact, for example by locating the house further away from the boundary, or changing the roof line (eg hip roof). Both houses appear forward of the building line, close to the outer boundaries, and will be raised up on tall foundations due to flood risk. Will create the feel of a private, gated community totally separate from the local community of Emsworth.

We understand that this revision to the application requires the properties nearest to the sea to be raised by 400mm with external steps, but that the overall height of the buildings will not change as ceiling heights will be reduced accordingly. House 3 where its side wall will be only 3 metres from the garden boundary of the existing houses in Beacon Square. The design and appearance of this aspect of the house is extremely imposing and uncompromising and will impact greatly on the view from these gardens, in terms of reducing daylight, privacy and outlook. Currently trees provide some screening but would be lost through damaged to roots from foundations.

Disruption, noise, dust and pollution during the course of the build.

Security has not been considered. Concerned by the use of carports without garages causing a problem with security and appearance with storage of sports equipment, bikes, water craft etc is rising.

Plots 6 and 7 would directly over look 54 Warblington Road and access should be via Warblington Road.

Detrimental impact on the setting of the Solent Way which is a very popular semi-rural walk.

*Neutral*

Whilst existing trees retained they must be maintained.

Boundary hedging on eastern boundary should be retained.

### **Flooding**

*Objection*

I note that the plans have avoided any building on the area of land at the south of the plot, which currently floods at high tides with a low pressure and southerly winds. This currently happens several times each year. The plans don't take into account the very real possibility that with global warming, the sea levels are going to rise by at least a meter before the end of this century. This estimate is possibly conservative, the sea level rise may be higher and may come significantly earlier.

This would make most of the southern part of this development a part of a new flood plain.

The Fowley plot is subject to flooding in winter. Weather systems are becoming more extreme with more intense rain and increased flood risk. It would be totally unacceptable if the development increased flooding to adjacent properties.

This site is subject to flooding and although this fact has been considered in the proposal and allowance made for predicted sea height rises there will inevitably be an effect due to increased hard surfaces on surrounding properties built in the past that have not been raised. Recent severe weather events have in many cases not been predicted and allowing building on such a sensitive and vulnerable site appears irresponsible in the light of recent accelerating changes in weather patterns.

There have been occasions when the ground could not cope with all the surface water and/or the tidal. At present Fowley Cottage gives the area an ability to cope with more of this type of water which this development will affect to the potential detriment of the adjoining properties. Drainage proposed cannot cope adequately with the issue.

The very large house proposed for the south west corner of the plot is in an area that floods at least once a year.

The portion of the field near the sea is subject to flooding. Even at the present levels spring tides and a southerly gale produces large waves that break into the field. This would increase with climate change. Building in flood zone may cause over properties to flood.

Paving over part will exacerbate the problem.

### **Ecology**

*Objection*

Adverse impact of sewage on the sea and wildlife.

Loss of hedgerows and trees adversely impact wildlife.

Increase light and noise pollution to the foreshore compromising the natural

habitat of the AONB.

Loss of the only green space along the coastal path between Emsworth centre and Nore Barn Woods would be extremely regrettable for the harbour, the environment and for Emsworth.

Natural habitats would be lost as the wild field is developed to houses, roads and gardens and to disturbance and damage during construction. Once gone they are likely to be irreplaceable.

Nitrate runoff into the sensitive waters of Chichester Harbour AONB and SSSI will surely be an issue resulting from approval of this further increased size development.

**Officer comment:** *These matters are considered in section 7 below.*

## **7 Planning Considerations**

### **Appropriate Assessment**

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations).

The Council's assessment as Competent Authority under the Habitats Regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to recreational pressure, water quality, loss/degradation of supporting habitats and construction impacts. The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of avoidance and mitigation measures. The first element of this is a financial contribution based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Council's agreed Position Statement on Nutrient Neutral Development. The third is measures to control the impact on the environment during construction of the development.

#### Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Submitted Havant Borough Local Plan and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures. The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24 pre April 2021. The rates increased in April 2021 and a revised agreement has now been forwarded to the applicant.

#### Water Quality

The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Study 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. NE have highlighted that there are high levels of nitrogen input into the water

environment at these sites, with evidence that these nutrients are causing eutrophication and that there is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether upgrades to existing waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. To secure nutrient neutrality the applicant has indicated a willingness to enter into a legal agreement to secure appropriate mitigation.

#### Construction Impacts

There is potential for construction noise and activity to cause disturbance of SPA qualifying bird species. Control measures could be covered by a Construction Environment Management Plan (CEMP), to include measures controlling matters such as minimising idling by machinery, locating construction compounds in less noise sensitive areas of the site and maintaining machinery to further reduce these noise levels. Subject to the imposition of a condition securing these controls, it is considered that the significant effect due to noise, disturbance and construction related pollutants which would have been likely, could be suitably avoided and mitigated, and subject to a condition it may be possible to conclude that as such, no likelihood of a significant effect remains on this issue.

#### Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA format has been agreed with Natural England as the appropriate nature conservation body under Regulation 63(3). Provided all mitigation measures are adequately secured with any permission the proposal accords with the advice from Natural England.

The applicant has indicated a willingness to enter into legal agreements to secure the mitigation packages, however at the time of drafting this report they have yet to be completed in full. In the absence of completed agreements there would be an unmitigated significant effect on the Solent's European sites and refusal must be recommended at this stage. Should the situation change, and should be agreements be secured prior to the Committee meeting, an update to the recommendation will be provided.

7.1 In other respects, and having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact on the Character and Appearance of the area
- (iii) Residential and Neighbouring Amenity
- (iv) Access and Highway Implications
- (v) Flooding and Drainage
- (vi) The Effect of Development on Ecology
- (vii) Impact on Trees
- (viii) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site is a draft housing allocation for 20 dwellings in the emerging local plan.

7.3 The site lies within the urban area as defined by Policies CS17 and AL2 of the adopted local plan and E3 of the Submission Local Plan. Adopted policy CS17 caveats that

development will be acceptable within the five urban areas of the Borough where it makes the most effective use of land. The policy also prioritises previously developed land or underused land or buildings within the urban area. Additionally, Policy CS9 of the Core Strategy supports housing proposals that achieve a suitable density of development, with the supporting text setting out density thresholds, with low density being development providing up to 45 (dph). In respect to the Emsworth Neighbourhood Plan, Policy D3 sets out new development should make the most efficient use of land. Therefore, development is supported in principle in the urban area where it can be shown it will make the most effective use of land, subject to other relevant considerations. The acceptability of the principle of development in this case therefore hinges on whether it makes an effective use of land. The requirement to make efficient use of land, as set out above, is identified in the Emsworth Neighbourhood Plan and both the development plan and NPPF which includes a specific section on 'Achieving appropriate densities' (paragraphs 122-123 NPPF published on 19 February 2019).

- 7.4 The Planning Policy consultation response in Section 5 above sets out in detail an assessment of the proposal in respect to making efficient use of land.
- 7.5 In summary adopted policies CS9 (Housing) and CS17(Concentration and Distribution of Development within the Urban Areas), together with policy D3 (Layout, Form & Density ) carry significant weight and Emerging policy H3 (Housing density) and H13 (Fowley Cottage) must be afforded some weight particularly given the clear direction in national policy to optimise the use of land. The NPPF in and of itself is also a material consideration in the determination of planning applications.
- 7.6 The development proposals would provide for a significantly lower density than required by adopted local plan policy CS19 and emerging policies H3 and H13. Paragraph 123 section c) of the 2019 NPPF is clear that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. Whilst it is acknowledged that the northern extent of the site is constrained, it is difficult to conclude that the proposals would make an efficient use of available land on the southern part of the site, by virtue of the scale and massing of the individual dwellings. The larger (3&4/5 bed) dwellings, which are over 2-2.5 times the size required by space standards, although effectively "passing" the space standard requirement clearly overachieve at the expense of the density that could be provided on this site. For example, these dwellings in floorspace terms could be easily subdivided to provide 2no. dwellings in place of one.
- 7.7 In considering the matter of density the Planning Inspector in respect to the appeal on the scheme for 7 dwellings considered:

*"The National Design Guide 2019 sets out that well-designed new development makes efficient use of land with an amount of development that optimises density. It also relates well to and enhances the existing character and context. In view of my findings relating to the character of the area and notably the differences between the developed areas directly east and west of the site, I have no substantive evidence before me that a higher density of development could not be achieved on site and also achieve a good design."*

- 7.8 And furthermore the Inspector considers that:

*"The proposal would be contrary to the Council's approach as set out in the Core Strategy, the ENP as well as the direction of travel in the Pre-Submission Plan. More fundamentally, it would be contrary to the Framework objectives to make efficient use of land and to refuse applications which fail to do so."*

- 7.8 The Inspector concludes:

*“I conclude that the proposed development would not make efficient and effective use of land having particular regard to site constraints and the character of the area. It would therefore conflict with Policies CS9 and CS17 of the Core Strategy as referred to above. It would also not accord with the Framework which supports development that makes efficient use of land whilst taking into account the character of the area.”*

7.9 Whilst the current application involves a higher density than the appeal proposal and increases the number of dwellings from 7 to 9, one of these is formed by the previously proposed studio to plot 1, such that it is now a separate dwelling with its own curtilage. It is considered that the proposed layout, which continues to propose a relatively small number of substantial dwellings, does not make efficient and effective use of land and that, having particular regard to site constraints and the character of the area, a more efficient use of land could be achieved.

7.10 In respect to 5-year housing land supply the Appeal Inspector noted:

*“The Council can demonstrate a 5.4 year supply of deliverable housing land. It has also met and marginally exceeded its housing delivery requirements for the past three years. The proposed changes to the Pre-Submission Plan indicate that the Council would be able to meet its objectively assessed housing need of 10,433 homes with a small buffer of 51 homes. However, this would be reliant on all the sites being delivered during the plan period. These figures would need to be fully tested through the examination process. However, given the very small buffer in combination with the finite amount of developable land and environmental constraints within the borough, the need to secure optimal and increased densities on available sites is persuasive in these circumstances.”*

7.11 The 5 year housing land supply position has now deteriorated. The Borough’s housing land supply was updated in February 2021 and shows that the Borough now has a 4.2-year housing land supply with a 20% buffer applied. It does not have a five year housing land supply, and this is considered to lend weight to the need to pursue appropriate densities on housing land and making the most efficient use of such sites.

7.12 Based on the above officers consider that in the particular circumstances that prevail at this time, if the applicant’s scheme is granted planning permission, it would not constitute sustainable development as it would not make efficient use of land having particular regard to site constraints and the character of the area. It would therefore conflict with Policies CS9 and CS17 of the Core Strategy, Policies H3 and H13 of the emerging local plan and D3 of the Emsworth Neighbourhood Plan. Furthermore, it would also not accord with the Framework which supports development that makes efficient use of land whilst taking into account the character of the area

(ii) Impact on the Character and Appearance of the area

7.13 The proposed site itself is outside of the Chichester Harbour AONB and separated from the Harbour's ecological designations by a public footpath along the shoreline.

7.14 The site lies within Landscape Character Area 25 (LCA 25) Emsworth- western suburbs. The area contains one landscape character type: Urban Lower Harbour Plain and displays the following land form characteristics:-

*a The landform forms a flat coastal plain, sloping from the north from around 10m AOD to below 5mAOD at the harbour edge, developing into a more gentle undulating landform to the north*

*b River terrace deposits cover an underlying geology of London Clay to the north followed by the Lambeth Group, then the chalk formation including Lewes Nodular Chalk Formation, Seaford Chalk Formation, Newhaven Chalk Formation, Culver Formation and*



*Portsdown Chalk Formation; this has produced a soil described as loamy with a naturally high water content*

*c No evidence of surface drainage*

*d Mature street trees along main arteries*

*e Mixed hedgerow boundary treatment around older properties*

*f The periphery of the residential area to the north is dominated by pony paddocks, playing fields, allotments and rear garden boundary treatment*

*g The largest internal open space is covered by allotments, which provides a spread of contrasting colour and texture*

*h Long stretches of adjacent gardens provide swathes of greenery throughout this built environment, although not particularly visible from the roadside*

*i Open areas of grassland forming verges and larger areas of grassland around 60's/70's residential development.*

7.15 Being part of a flat coastal plain the site is clearly visible from the water and the coastal footpath itself and forms part of the setting of the AONB and LCA 25. This flatness makes the AONB and its landscape setting particularly vulnerable to visual intrusion from inappropriate development, which can often be seen from significant distances across inlets, the main harbour channels, or open countryside. However, in this case the development would be set back from the harbour, retains most of the TPO trees, utilises a design which at first floor presents a relatively narrow aspect to the harbour with recessed glazing and subdued materials (slate, timber and brickwork), and would be viewed in the context of the existing two storey development, which lies on rising ground levels to the north. In terms of the raised floor levels of the proposed dwellings, these relate to plots on the southern part of the site where the ground slopes down to the harbour, and the proposed floor levels for these plots would be consistent with the floor levels of the plots proposed to the rear, against which they would be viewed. As such the impact on the wider character area would be limited and it is concluded that there are no significant implications for the setting of the AONB. It is noted that Chichester Harbour Conservancy have not raised objection to the application.

7.16 With respect to the impact on the character of the immediate adjacent residential area, the layout is for dwellings of a large floor space and substantial built form. The proposed design is contemporary in contrast to the more traditional character of the nearby properties, although a number of these established properties have been updated to provide a more contemporary appearance. In this context and having regard to the proposed materials which would comprise slate, timber, mellow finished brickwork and the spacious form of the layout the impact of the development on the character and appearance of the area is not adverse.

(iii) Residential and Neighbouring Amenity

7.17 The site adjoins dwellings in Warblington Road, Beacon Square and Curlew Close. The development has been designed with main windows facing into the site or also onto Warblington Road, and obscure glazing for first floor windows where first floor windows face the site boundaries with neighbouring properties. This retains privacy and the proposal complies with the separation distances set out in the Borough Design Guide. Whilst there will be an impact on views, especially in respect to properties in Beacon Square which have rear elevations facing onto the site, the separation distance at a minimum of 21m exceeds the requirements of the Borough Design Guide. In respect to

22a Beacon Sq. which currently enjoys sea views across the site, the proposed development on plot 1, especially given the elevated floor level, will obstruct these views but regard cannot be had to loss of a view. The planning consideration is whether the development would be overly dominant. Given that the closest proposed 2 storey dwelling would be over 30m from the windows serving 22a Beacon Square, the proposed development is not considered over dominant. The submitted plans have had regard to the existing properties and the layout designed to respect privacy and outlook.

7.18 The proposed development would introduce additional traffic to the surrounding roads, but the site is within an urban area where the impacts of traffic, noise and pollution from new development are inevitable and refusal based on the impacts of the additional traffic could only be supported if it resulted in highway safety issues. In this case the Highway Authority have no objection subject to the recommended conditions.

7.19 It is therefore considered that the impact on neighbouring properties does not support a reason for refusal.

(iv) Access and Highway Implications

7.20 Fowley Cottage would continue to be accessed from Warblington Road, together with plot 8 and access for the other 8 dwellings would be off Curlew Close. The access has been assessed by the Highways Officer and no objection has been raised. In respect to parking, all dwellings would be provided with on site parking in accordance with the adopted parking standards. There is also separate provision for visitor parking with 5 spaces provided. It is therefore considered a refusal based on highway impact and parking cannot be substantiated.

(v) Flooding and Drainage

7.21 The proposed dwellings and access would be sited wholly within Flood Zone 1 and National Guidance states that Flood Zone 1 is suitable for all types of development. Whilst the southern extent of the curtilage to Fowley Cottage is in Flood Zone 3 it lies outside the application site.

7.22 The application is supported by a Flood Risk Assessment which has been updated in response to consultation comments from the Environment Agency (EA). Given the location the EA require an appropriate freeboard is added to the design flood levels for 2115 to achieve Finished Floor Levels (FFLs) to take account of rising sea levels and to make the development flood resilient for its lifetime. Consequently Finished Floor Levels (FFL) of the proposed dwellings, and level of the access road, have been designed will be a minimum of 4.89m AOD, i.e. above the 2115 estimated flood level of 4.59m AOD and to also include a freeboard allowance of 300mm. Additionally the buildings have been designed and constructed having regard to flood resilience measures.

7.23 The existing dwelling utilises the Southern Water surface water and foul water sewers located in the vicinity of the application site. The surface water sewer borders the western boundary of the application site and outfalls into Chichester Harbour. There are two foul water sewers in the vicinity of the site, one bisects the application site on a broadly west/east alignment and the other is present within Warblington Road.

7.24 As the sub-strata is not suitable for soakway drainage surface water drainage would comprise holding tanks which would discharge into the nearby surface water sewer.

7.25 With regards to the foul water strategy, it is proposed that plots 6-9 will connect to the existing foul water sewer within Warblington Road, and the remainder (plots 1-5) will connect to the foul water sewer that bisects the site.

7.26 The proposal has been the subject of consultation with the Environment Agency, the Coastal Team and Southern Water, and subject to conditions no objection has been raised in respect to flooding and drainage. It is therefore considered that flooding and drainage matters have been appropriately addressed.

(vi) The Effect of Development on Ecology

7.27 The southern boundary adjoins Chichester Harbour, an ecologically sensitive area which has a number of associated national and international statutory nature conservation designations. As a result, there is the potential for both direct and indirect impacts on Chichester and Langstone Harbour SPA/Ramsar site and Solent Maritime SAC during the construction phase and once operational. The site lies in close proximity to the water edge and nearby designated sites and special protection areas. Additionally, it is considered the site has potential to support the species identified within the data search (i.e. Birds, Bats and potentially Stag Beetle). The application is supported by a Phase I Ecological Survey. The Council's Ecologist has raised no objection subject to securing all ecological and enhancement measures by condition. It is therefore considered that ecological matters can be appropriately addressed.

(vii) Impact on Trees

7.28 The site supports a number of mature trees, including those covered by Tree Preservation Orders. 13 trees, one of which is a Category B Birch, are proposed for removal within the site. The Council's Arboriculturalist has advised that, whilst the loss of trees to facilitate a development is regrettable, the trees highlighted for removal are in the main a lower quality (Birch excepted) and can easily be replaced and mitigated for with a comprehensive tree replanting scheme. It is therefore considered that the loss of trees in itself does not represent a supportable ground to refuse the application.

(viii) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

7.29 The CIL liability for the proposed development is £214,368.75. In respect to contributions and legal agreements, as set out under the 'Appropriate Assessment' section of this report, Unilateral Undertakings in respect to the Solent Recreation Mitigation Strategy and Nutrient Neutrality are required and have been forwarded to the agent. At the time of drafting this report they have yet to be completed, and therefore this must form a further reason for refusal.

## **8 Conclusion**

8.1 The site lies within the built-up area and within an area where residential development is acceptable in principle. Local Plan policy as set out under Policy CS17 identifies the need to make the most effective use of land, which is a limited resource. The site is identified as a housing allocation in the emerging local plan. In accordance with the NPPF, and having regard to the site constraints and character of the area, the allocation has been calculated by applying 40 dph across the net developable area, resulting in a figure of in the region of 20 dwellings expected to arise from the development. Whilst the emerging plan carries limited weight it has been prepared in response to NPPF (paragraphs 122-123) and the need to achieve appropriate densities.

8.2 The proposed development of just 9no. dwellings at a density of 18.9 dph on this site which is sustainably located in the built up area would not make an efficient use of the available land under Policy CS17. As such, it cannot be concluded that the proposed form of development would fully maximise the potential of the site to address housing needs and would therefore be contrary to the aims and objectives of emerging Policy H3 and paragraph 123 of the NPPF. Paragraph 123 section c) of the 2019 NPPF is clear that

local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.

- 8.3 Having regard to the site constraints and the fact that the floorspace of the proposed dwellings is over twice that required by the National Space Standards, it is considered that there is potential to increase the number of dwellings without compromising space standards or the impact on the site and surrounding development. A larger number of smaller dwellings would not only assist in meeting housing need, but provide an opportunity for Affordable Housing which is required under adopted LP Policy CS9 for schemes of 10 dwellings or more.
- 8.4 There is a finite amount of undeveloped land and significant environmental designations in the Borough which mean that it is important that development is provided in a sustainable way in order to maximise this finite resource.
- 8.5 As in the case of the dismissed appeal where the Inspector concluded:  
*"..the proposed development would not make efficient and effective use of land having particular regard to site constraints and the character of the area. It would therefore conflict with Policies CS9 and CS17 of the Core Strategy as referred to above. It would also not accord with the Framework which supports development that makes efficient use of land whilst taking into account the character of the area."*

The application, which only provides two more dwellings, one of which is a plot formed from the studio of the appeal proposal, does not make efficient and effective use of land and as such cannot be supported.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00376 for the following reasons:

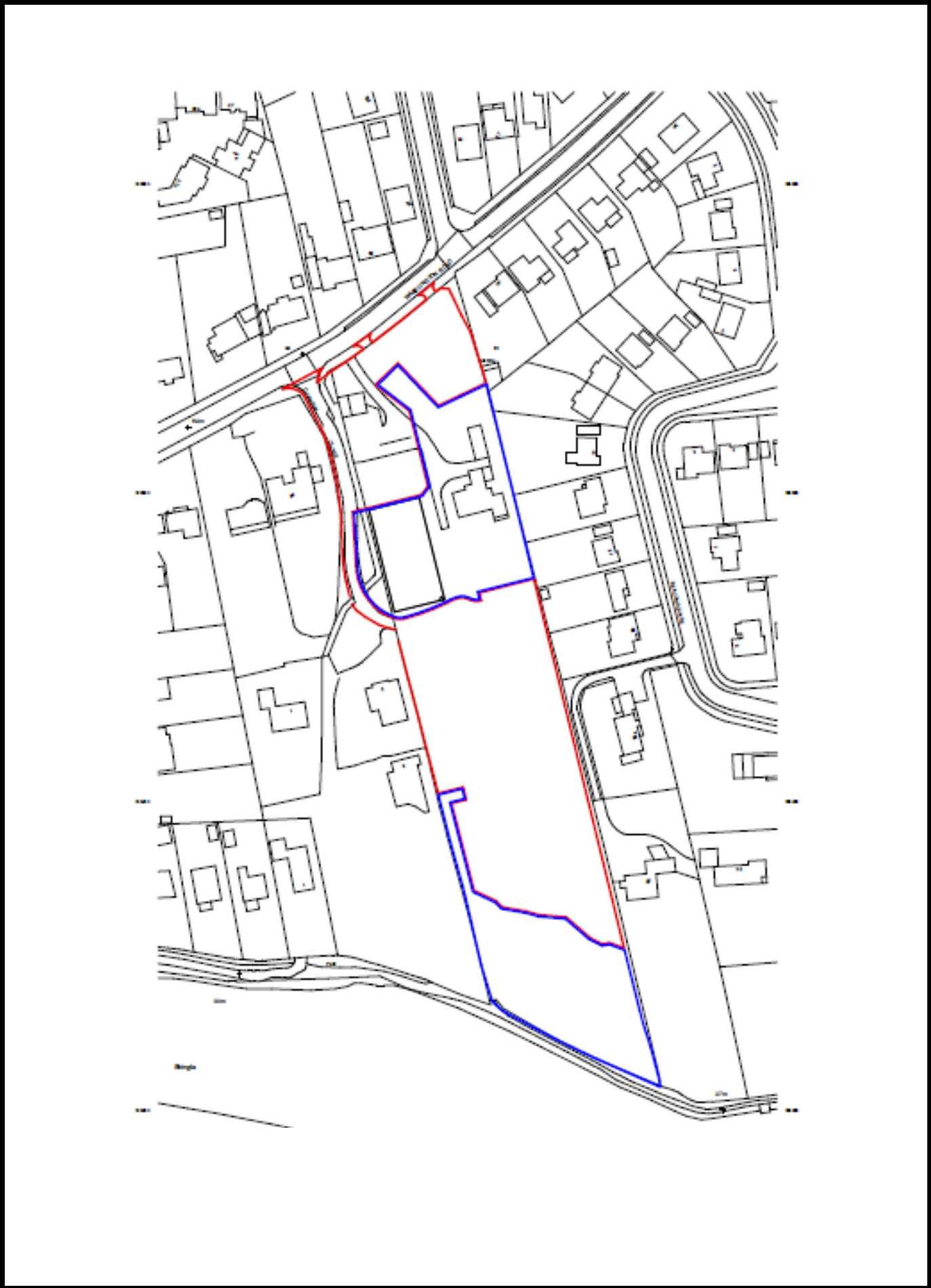
- 1 At a density of only 18.9 dph the application fails to make efficient use of land and is therefore contrary to the requirements of the National Planning Policy Framework, Policies CS9 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, Policies H3 and H13 of the Submission Havant Borough Local Plan and D3 of the Emsworth Neighbourhood Plan.
- 2 In the absence of suitable agreements to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan), Policy E16, EX1 and E12 of the Submission Havant Borough Local Plan, paragraph 175(a) of the NPPF and The Conservation of Habitats and Species Regulations 2017 (as amended).

### Appendices:

- (A) Location Plan
- (B) Site Plan
- (C) Plot 3 Elevations (plot 4 similar)
- (D) Plot 5 Elevations
- (E) Plot 6 Elevations
- (F) Plot 7 Elevations (plots 1 and 2 similar)
- (G) Plot 8 Elevations

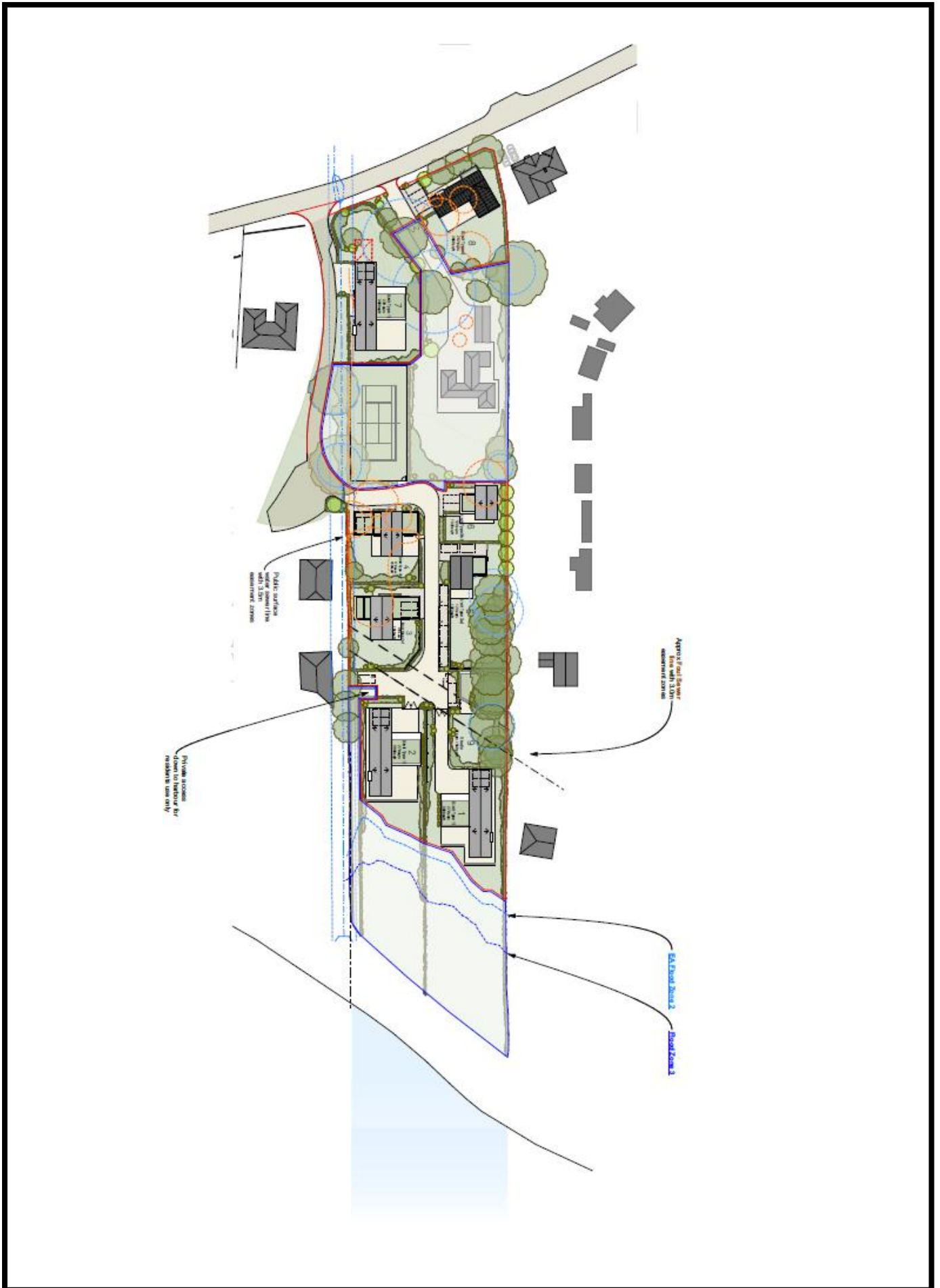
- (H) Street Elevation
- (I) Section
- (J) Appeal decision APP/19/00623
- (K) Site Plan for APP/19/00623

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PLOT 3 ELEVATIONS  
(PLOT 4 SIMILAR)



ELEVATION 01  
WEST ELEVATION



ELEVATION 02  
SOUTH ELEVATION

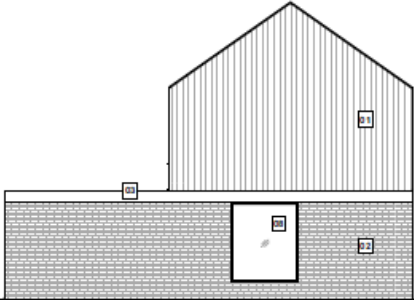


ELEVATION 03  
EAST ELEVATION



ELEVATION 04  
NORTH ELEVATION

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ELEVATION 01  
FRONT ELEVATION



ELEVATION 02  
SIDE ELEVATION

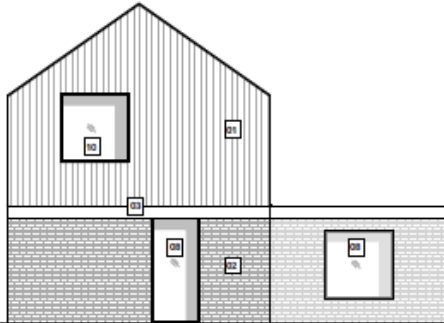


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REAR ELEVATION



ELEVATION 04  
SIDE ELEVATION

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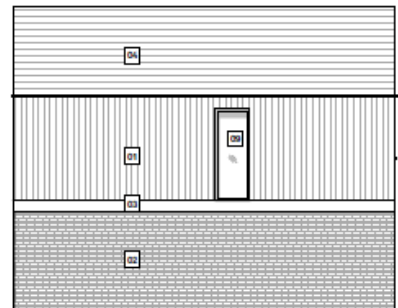
ELEVATION 01  
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ELEVATION 02  
SIDE ELEVATION



ELEVATION 03  
REAR ELEVATION



ELEVATION 04  
SIDE ELEVATION

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ELEVATION 02  
SOUTH ELEVATION



ELEVATION 03  
EAST ELEVATION



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ELEVATION 02



ELEVATION 04

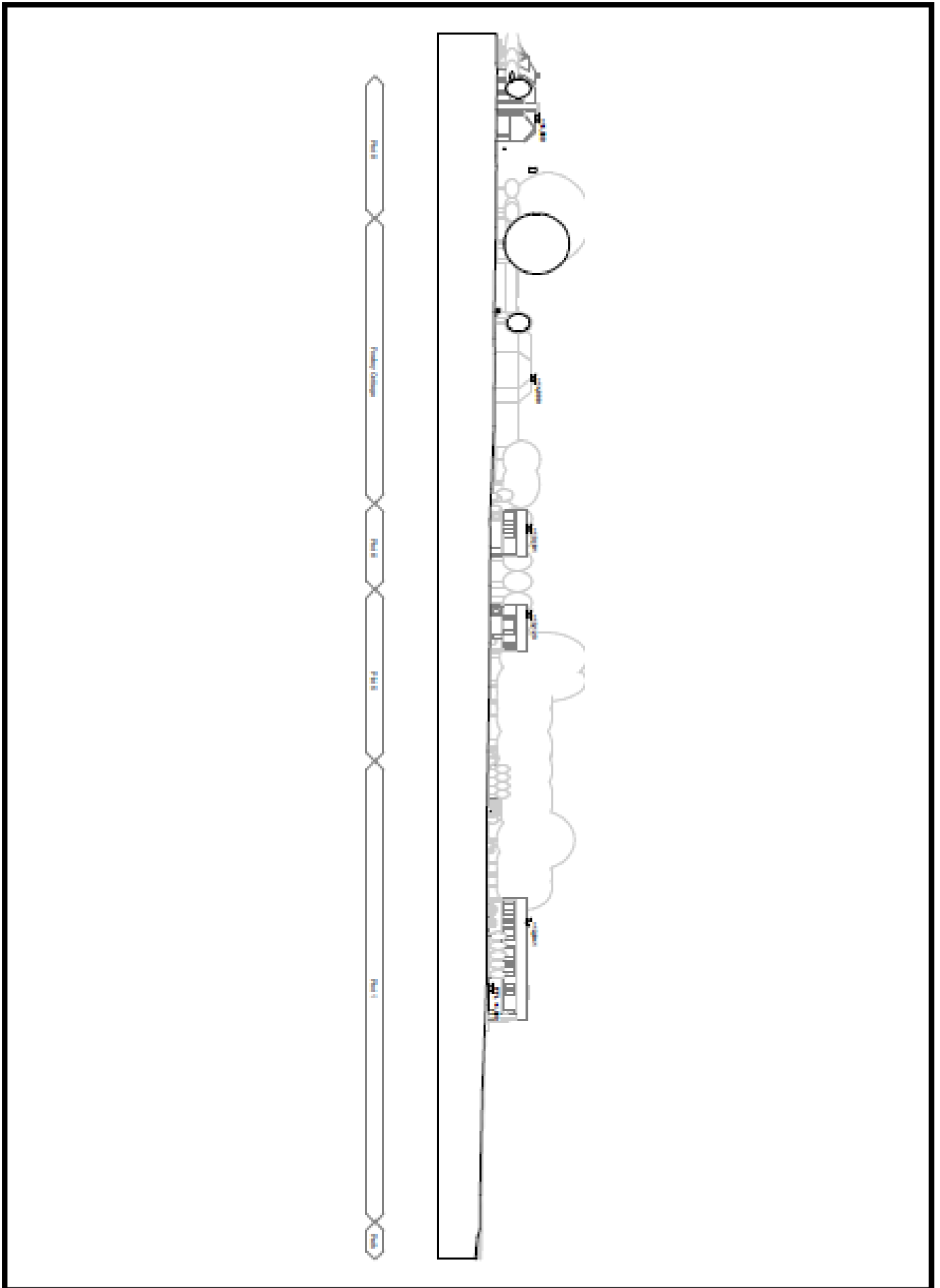
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## Appeal Decision

Site visit made on 5 October 2020

**by Rachael Pipkin BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> October 2020**

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**Appeal Ref: APP/X1735/W/20/3252953**

**Fowley Cottage, 46 Warblington Road, Emsworth PO10 7HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Charles Glanville against the decision of Havant Borough Council.
  - The application Ref APP/19/00623, dated 11 June 2019, was refused by notice dated 29 April 2020.
  - The development proposed is retain the existing 'Fowley Cottage' dwelling and construction of 7 No. detached dwellings, two on the Warblington Road frontage and five to the rear garden area. Access to Plot 5 to be taken off Warblington Road, access to Plot 1-4, 6 and 7 to taken off Curlew Close.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Following the submission of the original application, the proposed development was changed by the appellant to include an additional dwelling, bringing the number of proposed dwellings to seven. The description of development in the banner heading above includes this change and is taken from the Council's decision notice and the appeal form.
3. The Council's second reason for refusal refers to Policies H3 and H13 of the Pre-Submission Havant Borough Local Plan 2036 (2019) (Pre-Submission Plan). This is an emerging plan which was consulted on in early 2019 following which further changes have been made. It has not been submitted for examination.
4. Paragraph 48 of the National Planning Policy Framework (the Framework) sets out that weight may be given to relevant policies in emerging plans according to its stage of preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency with the Framework. The Pre-Submission Plan is at an early stage of preparation. Whilst its policies show a potential direction of travel, it is not yet known what level of objection these are likely to encounter. I therefore give this plan very limited weight.
5. A referendum on the Emsworth Neighbourhood Plan (ENP) was due to be held in May 2020. In response to the coronavirus (COVID-19) pandemic, the referendum has been postponed. The Planning Practice Guidance (PPG)<sup>1</sup>

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<sup>1</sup> Paragraph: 107 Reference ID: 41-107-20200925

advises that in these circumstances the plan can be given significant weight in decision-making, so far as the plan is material to the application.

6. During the course of the appeal the appellant submitted a completed signed planning obligation by way of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 2 October 2020. This deals with contributions towards mitigation against the impact of development on the Solent Special Protection Areas (SPAs) in accordance with the Solent Recreation Mitigation Strategy (SRMS). I will discuss this in more detail later in this decision.
7. The Council's fourth reason for refusal concerned the absence of full and up-to-date ecological information including all necessary survey, assessment and mitigation information. This information was provided and the Council has acknowledged that a re-consultation on this matter should have taken place prior to the application being determined. The County Ecologist has now been consulted and confirmed that no additional survey work is required and that subject to a compliance condition, the reason for refusal has been addressed. I have proceeded on this basis.

### **Main Issues**

8. The main issues are whether or not the proposed development would:
  - make efficient and effective use of land having particular regard to site constraints and the character of the area;
  - provide adequate flood risk mitigation; and
  - affect the integrity of the Solent European Sites<sup>2</sup>.

### **Reasons**

#### *Efficient use of land*

9. The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the borough. To support this approach, Policy CS17 of the Havant Borough Core Strategy (2011) (Core Strategy) sets out that development will be permitted that makes the most effective use of land in the borough.
10. Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form. The supporting text of the policy sets out density thresholds with low density development being development providing up to 45 dwellings per hectare (dph).

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<sup>2</sup> Chichester and Langstone Harbour SPA, Chichester and Langstone Harbour Ramsar Site, Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Potential SPA

11. Policy D3 of the ENP sets out that new development should make the most efficient use of land and be developed at the optimum density whilst taking into account site capacity and context. This policy is consistent with the Framework and carries significant weight.
12. Paragraph 117 of the Framework sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. Paragraph 122 supports development that makes efficient use of land where it takes into account the desirability of maintaining an area's prevailing character. Policies CS17 and CS9 together are broadly consistent with this approach.
13. The Framework goes further and sets out at Paragraph 123 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that development makes optimal use of the potential of each site.
14. The PPG<sup>3</sup> provides guidance on making effective use of land and what factors should be taken into account in establishing appropriate densities on a site. This includes assessments and measures of accessibility, character, environmental and infrastructure constraints or capacity issues and market viability.
15. Fowley Cottage is located within a residential area within the urban area of Emsworth. It is a large detached house with a tennis court and extensive gardens to the front and rear. It occupies a substantial and broadly rectangular plot just over 1 hectare in size which extends from Warblington Road to a public footpath and the harbour/seafront beyond. The appeal site excludes the existing house, tennis court and land adjacent to the coast at the south of the site and includes the road forming Curlew Close to the west. It is indicated to be about 0.82 hectares. The site is in an accessible location, within 800 metres walking distance of Emsworth town centre and just over 1 kilometre from the railway station.
16. The site is physically constrained by a public foul water sewer easement which crosses the southern part of the site. There are a number of statutorily protected trees along the eastern site boundary and two within the front garden that should be retained in addition to other high value trees on and adjacent to the site. The southern part of the site is within a sea flood zone. These site constraints are not disputed by the Council and it is agreed that they would reduce the developable area of the site and would need to be taken into account in the design of any proposed development.
17. Curlew Close, from which the proposed houses within the southern section of the appeal site would be accessed, has a restrictive covenant. This limits the number of dwellings that can be accessed from Curlew Close to five dwellings between the existing house and the harbour. The appellant has indicated that the covenant was entered into in April 2019 and the beneficiaries of this have confirmed that they will not remove or relax it. However, the restrictive covenant would be a private matter between the parties involved and I have no substantive evidence that this could not be altered by agreement. In any case,

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<sup>3</sup> Paragraph: 004 Reference ID: 66-004-20190722

this is a legal matter which falls outside the planning merits of the scheme. As such, I have given this limited weight in my decision.

18. The surrounding area is suburban, characterised by large detached houses generally set within generous but not overly large plots. The properties immediately to the west of the appeal site fronting Warblington Road and off Curlew Close, as well as a number of harbourfront properties off Beacon Square to the east, are larger and located within more sizeable plots than surrounding development. None of these properties occupy as extensive a plot as the appeal site which is unusually large. Properties directly east of the appeal site on the inland stretch of Beacon Square are more modestly sized.
19. The proposed development would provide seven large detached houses, six of which would be accessed off Curlew Close. All the proposed houses would provide generous amounts of internal space and occupy a large footprint although plots 4 and 7 would be around half the size of the other plots.
20. Large, detached houses are not uncharacteristic of the area. However, the proposed houses would be substantial, with larger footprints and generally more spaciouly arranged than surrounding development. The proposed arrangement would not be dissimilar to that of adjacent properties on Curlew Close and towards the harbour front on Beacon Square. However, these developments are not typical of the character of development along most of Warblington Road or the roads leading off it towards the harbourfront. Within this wider context, a development of smaller and less spaciouly arranged properties of an appropriate design would be in keeping with the prevailing character of the surrounding area.
21. Development along the harbourfront facing towards the Chichester Harbour Area of Outstanding Natural Beauty and towards the south of the site is more spacious than that further inland. However, the site occupies a relatively narrow section of the harbourfront and I have no substantive evidence that a higher density scheme, if appropriately designed, could not preserve the open landscape character to the same extent as the appeal scheme would at the southern end of the site.
22. The Council through Emerging Policy H3 is seeking higher densities of between 40 and 55 dph for the area. In addition, the Council's Emerging Policy H13 was initially seeking the allocation of the site for around forty dwellings which through the consultation process has been revised down to around twenty dwellings. However, as these emerging policies and the supporting evidence are subject to outstanding objections and yet to be tested at examination, they carry very limited weight at this stage although I accept that they do set out a clear direction of travel.
23. The surrounding area is low density, indicated to be around 10.35 dph. The proposed development, at 8.5 dph would be even lower. When site constraints are taken into account this would increase density on the appeal site to 14.4 dph. However, I have no comparable information about the net density of the surrounding area. Even if the density of the proposed development is higher than that of surrounding development this would appear to be marginally so.
24. Whilst the appeal scheme has been developed to take into account the site constraints as set out in the Design and Access Statement, an outline scheme



- for nineteen dwellings on the site has been submitted to the Council in January 2020. Whilst not pre-judging the outcome of this application and noting that it does not include the retention of the original dwelling house or tennis court, it is evident that this has taken into account the physical site constraints including the trees, sewer easement and flood zone, and proposes a higher density of development than the appeal scheme.
25. The National Design Guide 2019 sets out that well-designed new development makes efficient use of land with an amount of development that optimises density. It also relates well to and enhances the existing character and context. In view of my findings relating to the character of the area and notably the differences between the developed areas directly east and west of the site, I have no substantive evidence before me that a higher density of development could not be achieved on site and also achieve a good design.
26. The Council can demonstrate a 5.4 year supply of deliverable housing land. It has also met and marginally exceeded its housing delivery requirements for the past three years. The proposed changes to the Pre-Submission Plan indicate that the Council would be able to meet its objectively assessed housing need of 10,433 homes with a small buffer of 51 homes. However, this would be reliant on all the sites being delivered during the plan period. These figures would need to be fully tested through the examination process. However, given the very small buffer in combination with the finite amount of developable land and environmental constraints within the borough, the need to secure optimal and increased densities on available sites is persuasive in these circumstances.
27. The appellant has referred to his pre-application discussions where the Council made no reference to density concerns. However, I am mindful that provision of pre-application advice is not binding on the Council. Furthermore, these discussions pre-dated the revised Framework and the publication of the Pre-Submission Plan. In any case, this is essentially a procedural matter that does not relate to the planning merits of the appeal proposal.
28. The proposal would be contrary to the Council's approach as set out in the Core Strategy, the ENP as well as the direction of travel in the Pre-Submission Plan. More fundamentally, it would be contrary to the Framework objectives to make efficient use of land and to refuse applications which fail to do so.
29. I conclude that the proposed development would not make efficient and effective use of land having particular regard to site constraints and the character of the area. It would therefore conflict with Policies CS9 and CS17 of the Core Strategy as referred to above. It would also not accord with the Framework which supports development that makes efficient use of land whilst taking into account the character of the area.

### *Flooding*

30. The appeal site falls within Flood Risk Zone 1 but is adjacent to the harbourfront which falls within Flood Risk Zones 2 and 3. The appellant submitted a Flood Risk Assessment (FRA) with its original application for six dwellings. This confirmed that due to the topography of the site, part of the proposed development would fall within the estimated future tidal flood risk area for 2115.

31. The Environment Agency (EA) objected to the proposal on the grounds that the FRA failed to take the impacts of climate change into account adequately. In particular, the flood risk mitigation was considered to be inadequate because it would not make the development resilient to flood levels for 2115. In addition, the EA was concerned that the FRA did not consider the effects of a range of flooding events nor that it provided adequate consideration of the requirement for flood emergency planning including flood warning and evacuation.
32. During the course of the appeal, the appellant submitted an updated FRA to reflect the increased number of proposed houses and to address the EA's concerns. The Council has re-consulted the EA on the revised FRA although at this stage no response has been provided. Had I been minded to allow the appeal, I would have sought further comments. However, given my findings in respect of the use of the land, there has been no need for me to pursue this matter further.

#### *Solent Special Protection Areas*

33. The appeal site lies within 5.6 kilometres of the Chichester and Langstone Harbours Special Protection Area. In addition, all of Havant Borough, and therefore the appeal site, is within the catchment of a wastewater treatment works that drains into the Solent European Sites. These are protected as European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.
34. The Council has determined that additional residential development would, in combination with other plans and projects have a significant effect on these protected sites through additional recreational pressures and nutrient output. In these circumstances, the Council considers that appropriate mitigation would be required. The appellant has accepted the need to provide a financial contribution towards the SRMS. This would be secured through the submitted UU.
35. The Council has published a Nutrient Neutrality Position Statement and Mitigation Plan (2020) which sets out an off-site scheme to provide for mitigation in respect of nutrient discharge into the Solent European Sites. The scale of mitigation is determined by a nutrient budget and would be secured through a Grampian style condition requiring the mitigation to be in place prior to any permitted development being occupied. The appellant has agreed to the imposition of a Grampian style condition to secure appropriate mitigation to achieve nutrient neutrality prior to occupation. The Council has indicated that there is a reasonable prospect that the Grampian style condition could be discharged.
36. Notwithstanding the Council's findings in respect of this, as the competent authority, I am required to carry out an appropriate assessment of the effect of the proposed development. However, as I have found that the scheme is unacceptable for other reasons, I do not need to pursue this matter further.

**Other Matter**

37. Local residents have raised concerns about a higher quantum of development on the site as set out in alternative schemes and impacts arising from that. This has led to some support for the appeal scheme. However, those alternative schemes are not in front of me. I have taken these comments into account however they do not alter my conclusions.

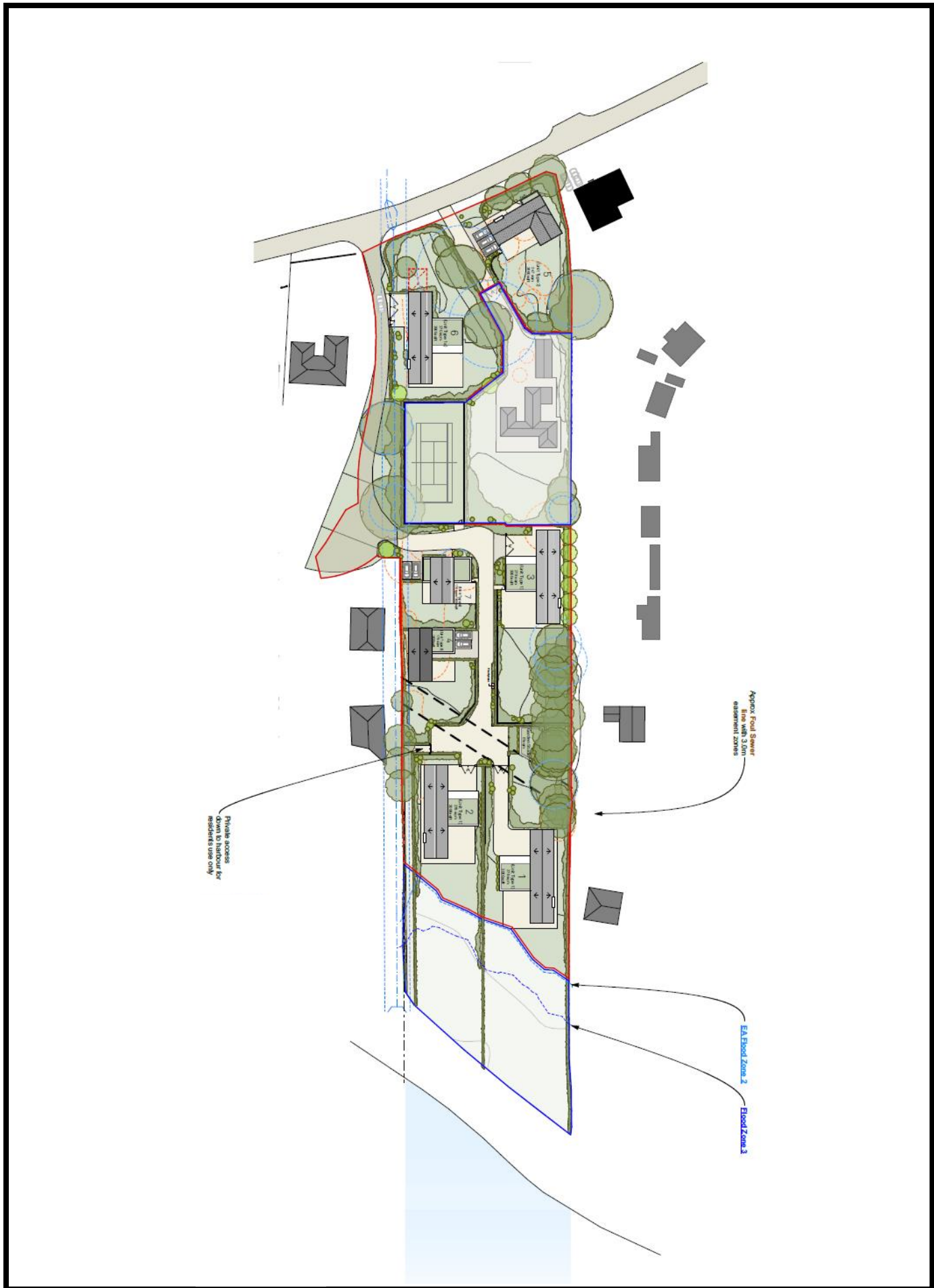
**Conclusion**

38. For the reasons set out above, I conclude the appeal should be dismissed.

*Rachael Pipkin*

INSPECTOR

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lies to the south east. To the east of the site are terraced residential dwellings.

- 1.2 The site itself comprises a roughly triangular area of land which contains two storey office accommodation. The main building when viewed from New Road has a symmetrical form with a central gable feature and projecting wings to either side. The building includes a full brick gable, brick to the ground floor and tile hanging to the first floor with a tiled roof. This is the most prominent building on the site. To the north east is an older converted building with a pitched gable roof fronting New Road which has been linked to the main building by a two storey addition. The linked buildings are all in office use.

## **2 Planning History**

- 2.1 The site has a complex planning history and the most relevant applications are set out below. The applications fall primarily into two types; residential and business proposals. The residential proposals have their references highlighted in bold for clarity.

**APP/18/00449** - 2-storey extension to existing property to create additional separate individual office space.

This application related to an extension to the eastern side of the building.

This application was considered at the Council's Development Management Committee on the 18th October 2018 and subsequently granted planning permission on the 25th March 2019. It has not to date been implemented.

**APP/17/00972** - Proposed 2 storey office extension, with hipped, gable and portion of flat roof.

This application related to an extension to the western side of the building.

This application was considered at the Council's Development Management Committee on the 19th October 2017 and subsequently granted planning permission on the 20th October 2017. This permission has now expired.

**APP/17/00347** - Proposed 2 storey undercroft office extension.

This application was determined at the Council's Development Management Committee on the 29th June 2017 and subsequently refused planning permission on the 30th June 2017 for the following reason:

*The proposed Office Extension would by reason of its prominent siting, design, size, height, mass and bulk have a harmful impact on the character and appearance of the area, detract from the appearance of the existing main building and represent an overdevelopment of this shallow and constricted site. The proposal would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.*

Appeal Subsequently Dismissed on 1st December 2017

**APP/16/00928** - Proposed two storey undercroft office extension.

This application was determined at the Council's Development Management Committee on the 8th December 2016 and subsequently refused planning permission



on the 9th December 2016 for the following reason:

*The proposed Office Extension would by reason of its prominent siting, design, size, materials, height, mass and bulk have a harmful impact on the character and appearance of the area, detract from the appearance of the existing main building and represent an overdevelopment of this shallow and constricted site. The proposal would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.*

APP/15/00865 - Proposed new infill extension in addition to approved planning permission APP/14/01004 for two storey office block., Permitted 19/10/2015

APP/15/00723 - Variation of Condition 10 of Planning Permission APP/14/01004 relating to approved plans. Permitted 21/08/2015

APP/14/01004 - Proposed new two storey office block and car parking. Permitted 14/12/2014

APP/13/01277 - Variation of Condition 4 of Planning Permission APP/12/00073 to enable detached two storey outbuilding to the west of 2 New Road to be used for independent commercial use (office and car parking). Permitted 28/02/2014

**APP/12/00736** - Construction of 1No. two storey building containing 2No. 2 bed flats with associated car parking, bin and cycle stores, landscaping and 2m acoustic fence, with access to New Road. Refused 19th September 2012 for two reasons in relation to Noise / Amenity concerns and lack of a Transport Contribution. .

Appeal Subsequently Dismissed.

This case and the Inspectors conclusions are considered in detail in paragraphs 7.27 - 7.28.

APP/12/00073 - First floor extension to garage to provide additional storage; rear extension and conversion of whole to home office space. Permitted 16th March 2012

**APP/10/00890** - Construction of 1No. 2 bed dwelling and 2No. 1 bed flats with new access to New Road, associated car parking, bin storage and cycle storage. Refused 12th January 2011 for four reasons relation to noise / amenity, design, cramped and contrived layout and lack of transport contribution.

Appeal subsequently Dismissed.

This case and the Inspectors conclusions are considered in detail in paragraphs 7.25 - 7.26.

**08/60233/009** - Erection of 4No. 1 bed flats with associated parking, cycle store and bin store and new access to New Road. Refused 16th June 2008 for the following reasons (summary):

- Incongruous out of keeping development;
- Lack of turning facilities
- Noise / Amenity

**04/60233/009** - Erection of 6 no. 1 and 2 bed flats, refuse and cycle store and landscaping provision. Refused 23rd June 2004 for the following reasons (summary):

- Over intensive and incongruous form of development
- Noise / Amenity
- Unneighbourly to 2 New Road
- Lack of on site parking

**Adjacent to the site:**

APP/20/00995 - Prior Approval application for installation of 17.5m monopole with 3No. shrouded antenna, 3No. cabinets and development ancillary hereto. Prior Approval Required and Permitted 18/12/20

**3 Proposal**

Change of use of Office (Use Class B1) to 6 residential flats (Use Class C3) with parking and associated external changes to facilitate the change of use, including the two storey extension previously approved under Planning Permission APP/18/00449.

**4 Policy Considerations**

National Planning Policy Framework  
 Havant Borough Council Borough Design Guide SPD December 2011  
 Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Havant Borough Local Plan Submission Version

IN4	(Access onto Classified Roads)
E22	(Amenity and pollution)
DR1	(Delivering Sustainable Development in Havant Borough)
E1	(High quality design)
H1	(High quality new homes)
E12	(Efficient use of resources and Low carbon design)
C1	(Protection of existing employment sites)
E16	(Recreation impact on the Solent European Sites)
IN3	(Transport and parking)
EX1	(Water Quality impact on the Solent European Sites)

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

## **5 Statutory and Non Statutory Consultations**

### **Building Control**

No comments received

### **Community Infrastructure, Planning Policy & Urban Design**

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, pending a response from Natural England on the 'HRA, instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

(b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

The permission referred to in the description, APP/18/00449, has a S106 attached to it dated 13 March 2019.

### **Hampshire Constabulary Crime Prevention**

Having considered the application I have the following comments to make with reference to crime prevention.

The National Planning Policy Framework makes clear the Governments continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience".

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats, it reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically "to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder."

The guidance continues "Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides.", it continues, "Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience." "Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult."

The proposed cycle store does not appear to be secure, which increases the opportunities for crime. Theft of pedal cycles is a prevalent offence within the police district. To reduce the opportunities for crime the cycle store should be a fully enclosed weather proof structure. Access should be via a single robust door, fitted with a lock to BS 8621. Lighting and cycle anchor points should be fitted within the store.

To provide for the safety and security of residents and visitors lighting throughout the

development should conform to the relevant sections of BS 5489-1 :2020.

These dwellings are to be created by a material change of use, I would remind the applicant that the exigencies of Approved Document Q are relevant to the application.

### **Natural England**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

#### Summary of Natural England Advice

We consider that without appropriate mitigation this proposal would have a significant effect on:

Chichester and Langstone Harbour SPA & Ramsar, Solent Maritime SAC, Solent and Isle of Wight Lagoons SAC, Solent and Dorset Coast SPA,

### **No objection subject to securing appropriate mitigation**

#### Recreational disturbance - Special Protection Areas within the Solent

This application is within 5.6km of several of the Solent SPAs and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant complies with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and would have no objection to this aspect of the application.

#### Nitrogen Neutrality

The application is supported by a nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of TN 4.7 Kg/year (inclusive of 20% buffer).

Natural England is aware that Havant Borough Council is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach. It is noted that the positive N budget for this development will be mitigated by offsetting against land taken out of high intensity agricultural land at Warblington Farm as well as specific on-site measures. Natural England recommend these are secured through an appropriate agreement.

As you are aware, appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Provided you as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that

the appropriate level of mitigation can be fully secured in perpetuity, Natural England would advise that the Appropriate Assessment can conclude there will be no adverse effect on the integrity of the Solent European Sites in relation to water quality impacts.

### Other Advice

#### Protected Species and Biodiversity Net Gain

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by the Council's Biodiversity Team.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the Council's Biodiversity Team.

#### Biodiversity Mitigation and Enhancement Plan

The submission of an approved BMEP will help ensure your authority meets the requirements of Section 40 of the Natural Environment and Rural Communities Act (2006), which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process. Please note that provided the Council's Ecologist is satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

#### **Southern Water**

Southern Water records show the approximate position of our existing foul sewer crossing the site. The exact position of the public assets must be determined on site by the applicant.

Please note:

- The 1650mm diameter gravity foul sewer requires a clearance of 5 meters on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 5 meters of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 meters of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater .co. u k/media/default/1PDFs/stand-off -distances. pdf](https://www.southernwater.co.uk/media/default/1PDFs/stand-off-distances.pdf)

Furthermore, 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.

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

To make an application visit [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here: [gov. uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water.

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

### **Economic Development**

No comments received

## Environment Agency

No comments received

## Environmental Health

### Further Comments

I write, following the update to the acoustic report provided, and comments from the agent on the application to inform the planning committee further on the issues. I'm happy with the amendment in the acoustic report to confirm the location of vibration monitoring. The issues raised by the applicant's agent are the following:

**Q. Can I just confirm I understand correctly - there isn't an objection to the levels of noise with windows shut, but it's when residents open their windows they would be subject to noise etc?**

My objection is because applicant is using the layout of the proposed building, rather than considering good acoustic design from the outset. As highlighted in "**ProPG: Planning & Noise Professional Practice**" the site is poor. Flats will be impacted from noise on both the railway side and the roadside of the development. This means occupiers of the flats, as proposed, will not have the ability to open the windows to allow for purge ventilation without excessive noise being experienced. I have taken an extract from Pro PG that states:

*High noise levels indicate that there is an increased risk that development may be refused on noise grounds. This risk may be reduced by following a good acoustic design process that is demonstrated in a detailed ADS (Acoustic Design Statement). Applicants are strongly advised to seek expert advice.*

*As noise levels increase, the site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrate that a significant adverse noise impact will be avoided in the finished development.*

**Q. Notwithstanding the stance made in the Planning Statement and Noise Report, I would like to highlight a similar planning application APP/14/00975 which was approved. I appreciate every application is determined on its own merits, but there are similarities here, but the EH approach seems very different.**

The sites are very different. After reviewing the post validation testing of App/14/00975 the key differences between the sites are the following:

- On App/14/00975 there was one noisy façade, on this application there are two noisy facades where windows face out from.
- On App/14/00975 there were several flats on each level, meaning that in some cases; some flats had some impact from the noisy facades, some flats were not facing noisy facades and some flats were orientated to improve the impact to future occupiers. In this application **all** of the flats are orientated so they have windows facing two noisy facades.
- New guidance ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise May 2017, used by the sector, has informed comments made.

**Q. The application involved converting an existing building to flats in a very noisy location. EH decided that the noise mitigation design could be secured via condition, can you detail why a different approach is being taken here?**

The key issue is that in App/14/00975 there was the ability to consider mitigation. In the application before me, in terms of orientation and layout (having two differing sources of noise impacting two separate facades) where there are openings, makes considering further mitigation unviable.

**Officer Comment:** *Planning application APP/14/00975 relates to 314-318 London Road:*

*Proposal: Conversion of part of ground and all of the first and second floors and erection of third floor to provide 15No. flats, comprising 14No. 2 bed flats and 1No. 1 bed flat; and associated external alterations to the building, parking and landscaping. Erection of bin and cycle store. Permitted 22<sup>nd</sup> December 2014.*

*At the time of writing this report final comments are awaited from Environmental Health in relation to the further information submitted by Tetra Tech Planning following the publication of the original Committee Report. Members will be updated in relation to any further comments received.*

### Original Comments

#### Environmental Protection:

I write after reviewing the acoustic report undertaken by Sound Advice, Job Number SA-6367, along with the associated site plans and site layout. The application is for a change of use to 6 to flats. The majority of the building is already built, and the acoustic report noise readings were undertaken in Feb 2020, therefore there is no reduced traffic flow because of the impact of Covid-19. The acoustic report has two aspects that need to be considered when considering suitability of the site for residential dwellings:

#### 1) Noise

The acoustic report confirms there are high levels of noise on the facades of the building, facing the railway and the road (New Road B2149). The noise levels at the site are excessive and can only achieve a suitable internal noise environment, in compliance with BS 8233:2014, with the installation of specialist glazing on both facades and ventilation provided by fans.

Future occupiers of the flats will not be able to open their windows to provide suitable fresh air, flush out smells or odours, or have the ability for greater flow of air in summer unless they want an excessively loud noise environment. The current orientation of the development means each flat has windows on both the railway and road façades with no rest bite.

The household environment for future occupiers of the site is the least optimum, to control excessive noise levels. The Acoustic Consultant does make reference to Professional Practice Guidance on Planning & Noise (ProPG) as overseen by a Working Group consisting of representatives of the Association of Noise Consultants (ANC), Institute of Acoustics (IDA) and Chartered Institute of Environmental Health (CIEH), together with practitioners from a planning and local authority background.

This has highlighted that the location is high risk because of the noise levels in the vicinity, strongly recommends good acoustic design and states *"it is recommended that the developer adopt, where practically possible, a good acoustic design which should include careful consideration of the positioning of the proposed properties together with thoughts being taken as to internal layouts to minimise*



*noise sensitive rooms facing onto dominant noise sources within the local areas."*

Good acoustic design has been substantially restricted, as the applicant is converting an existing building rather than starting with a blank canvas. For a residential development, the optimum solution in terms of layout is to consider it from the initial design phase rather than trying to convert from an existing building.

The applicant has disregarded pre-planning advice along with the previous decision of the planning inspectorate, which stated *"In my conclusion the development of the appeal site in the manner proposed falls well short of providing what should be regarded as an acceptable living standard for its residents. Whilst it may be technically possible to mitigate the noise nuisance to an appropriate level within the building, that would come at a considerable cost in terms of design and the very poor internal environment which would result. Additionally, the rear amenity space would be so poor in terms of its ability to be enjoyed that it would be of very little if any benefit to the living conditions of the occupants."*

It is clear that the site is impacted by significant noise and the attempts at addressing the issue have resulted in unacceptable living conditions within and around the proposed residential building and have no value as amenity space.

## 2) Vibration

The assessment has determined the impact of the vibration from Position 1. No plan has been provided. My concern is that the plan relates to the acoustic locations, Position 1 is on the roadside of the building which is not the worst-case position if this is the same as the vibration monitoring location. The applicant needs to clarify the exact location of the vibration monitoring point.

Until the location for the vibration monitoring is confirmed, I will delay my comments so that an informed point of view can be provided to the planning authority.

At this point I would recommend refusal of the planning permission because the applicant has not shown good acoustic design of the plot. There are also a number of recent planning appeals that support the position the environmental Health team have taken.

## Environmental Control

I have been through the proposals and I note in particular that the development does not comprise major development, and that no private amenity land is to be allocated to any of the proposed residential units. For these reasons, I don't see any need to materially amend the advice given in respect of the pre-planning enquiry Ref: GEN/19/00927, other than to clarify that there is no requirement to confirm the chemical quality of soils within any proposed areas of communal soft-landscaping.

As previously; notwithstanding any concerns that my colleagues may (are likely to-) raise in respect to amenity & noise - I would not have any basis upon which to raise a significant material objection on grounds of either land contamination or air quality.

## **Hampshire Highways**

### ***Further Comments:***

Since the Highway Authority's original response dated 30th October, the internal layout of the site has been updated to relocate parking bay no. 2 and realign all of the proposed parking spaces. The alignment of bays 3 and 6 is now skewed to fit them around the landscaping features. While the tracking of a vehicle in and out of the bays

is likely to be achievable, a less compacted design should be considered which makes the bays easier to access.

It is noted that the number of overall parking spaces provided has decreased since the original submission. In their capacity as local parking authority, Havant Borough Council should determine whether the updated parking proposal complies with adopted parking standards.

The Highway Authority's original response requested tracking for a refuse vehicle accessing the proposed bin store which remains in the south west corner of the site. It is noted that this information has still not been provided.

The applicant is therefore requested to provide the tracking drawing before the Highway Authority can make a formal recommendation on the application.

**Original Comments:**

The applicant is seeking permission for the change of use from offices to 6 residential flats. The site is served by an existing access onto New Road which will not be altered as part of the development. As part of the altered internal layout, parking and cycle spaces alongside a bin store will be provided.

Drawing number C3405 - 02 Rev A tracks an estate car entering and egressing the site via the existing access onto New Road. No tracking has been provided for a refuse vehicle accessing the proposed bin store in the south western corner of the site. This tracking should be provided to confirm that a refuse vehicle can turn within the confines of the site and egress in a forward gear.

Havant Borough Council should confirm in their capacity as local parking authority whether the proposed quantum of parking meets adopted parking standards.

The trip rates associated with the change of use from office to residential flats is not considered to have a severe impact on the local highway network.

The applicant is requested to provide tracking for a refuse vehicle entering and leaving the site before the Highway Authority make a formal recommendation on the planning application.

**Landscape Team, Havant Borough Council  
Further Comments**

From a landscape perspective we have the following comments:

- The development does (*sic*) provide any private residential amenity space that is contrary the HBC Design Guide, which states;  
The guide states All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment.
- The location of the bike store does not offer a great amount of natural surveillance, which could increase the opportunity for theft.
- The existing boundary treatments to the south are deemed to not afford sufficient safety to stop access onto railway line.
- We have concerns with the bin store being located so close to the bedroom window of unit no. 2.

**Original Comments**

From a landscape perspective we have the following comments:

- The development does not provide any private residential amenity space within the proposals, which is contrary the HBC Design Guide, which states;  
'All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment.

- The location of the bike store does not offer a great amount of natural surveillance, which could increase the opportunity for theft.
- The existing boundary treatments to the south are deemed to not afford sufficient safety to stop access onto railway line.
- We have concerns with the bin store being located so close to the bedroom window of unit no. 2.

### **Network Rail**

No comments received

### **Planning Policy**

#### Final Comments

#### **Policy Status:**

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for the borough. The Havant Borough Local Plan (HBLP) was submitted for Examination on the 12<sup>th</sup> February 2021 and can be afforded limited weight.

The following policies are of particular relevance:

- CS2 – Employment
- DM3 – Protection of Existing Employment and Tourism Sites
- CS6 – Regeneration of the Borough
- CS9 – Housing
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development

In the Submission Plan the following policies are of particular relevance:

- C1 | Protection of existing employment sites
- H1 | High quality new homes
- H3 | Housing density
- E1 | High quality design
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- E22 | Amenity and pollution

The application was due to be considered at Development Management Committee (DMC) at its meeting on the 25<sup>th</sup> February 2021 but was withdrawn before the meeting took place. The applicant's agent has subsequently submitted a response to some of the matters raised by the DMC report. These comments update and supersede that of the Planning Policy Team's response dated 29<sup>th</sup> October 2020.

**Principle of Development:** The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan, and emerging policy E3 in the emerging Local Plan. As such, there is a presumption in favour of sustainable development, subject to other material considerations.

**Housing Land Supply:** The Council's Five Year Land Supply Update (February 2021) indicates the Council has 4.2 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). However, significantly it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is also noted that the scheme would make an undiscernible contribution to housing land supply in the context of the overall planning balance.

It is noted that the submitted Planning Statement also refers to the Borough's housing need of 963 dwellings per annum under the revised standard method<sup>1</sup> for calculating housing need. However, it should be noted that the Government has subsequently confirmed the revised standard method, this includes an uplift only for cities and urban centres (of which Havant is not one).

<sup>1</sup> Ministry of Housing, Communities & Local Government (August 2020) Changes to the current planning system – Consultation on changes to planning policy and regulations

The submitted Plan makes provision for at least 10,433 dwellings over the plan period (2016-2037), based on a minimum annual housing need requirement of 504 dwellings per annum (dpa) from the current year going forwards.

**Loss of employment:** Given the building's last use for office purpose (Class E), ALP Policies CS2 and DM3 and C1 in the HBLP Policy C1 apply. These policies seek to safeguard existing employment sites and that are fit for purpose from development proposals for non-employment uses.

Specifically, Policy DM3 indicates that development of employment sites will only be permitted where it is demonstrated the land or premises are not fit for purpose and are financially unviable. This should generally be covered by an exhaustive marketing process for a minimum of a 12-month period. This requirement is carried forward in the emerging Local Plan as one of three criteria under criterion c – which must be met in order to justify the loss of employment provision.

Paragraph 6.10 of the Planning Statement provides some limited commentary on the marketing exercise undertaken, but is deemed to be inadequate to justify the loss of employment in the context of Policies CS2 and DM3 and emerging Policy C1:

<b>Marketing evidence requirement</b>	<b>Comment</b>
An official confirmation by the marketing agent that the premises were appropriately and extensively marketed with no reasonable offer for sale or rent.	<p>Appendices B and C of the Planning Statement relate to correspondence from AJ Lettings and Sales Ltd and Hellier Langstone respectively. These documents do not provide confirmation of the marketing period, nor do they detail on what basis the property/units were marketed.</p> <p>The agent's response confirms the building was marketed from 2018-2020 with no interest shown. But does not provide an indication of dates in the calendar year and does not indicate whether this was on a continuous basis.</p> <p>It is also noted from the Planning Statement that planning permission was granted for an extension in</p>

	March 2019 to improve the marketability of the facility, but this has not been evidenced. No further information has been provided following the withdrawal of the item from DMC on the 25 <sup>th</sup> February 2021.
An enquiry log, how it was followed up and why it was unsuccessful	Appendix B of the Planning Statement includes a list of reasons why there has been “very little success” in letting the units/suites over the last year. This does not relate to the marketing exercise, nor constitute an enquiry log. The letter from AJ Knight attached to the agent’s response details the level of interest received by virtue of the number of enquiries received. However, it mainly indicates that occupiers took space elsewhere rather than documenting reasons why the building was unsuitable.
Evidence of extensive marketing through the internet e.g. screenshots from online advertisements and accompanying analysis of activity.	Appendix A contains screenshots of “Various Adverts over previous 12 months”. The majority of these are not dated by year – though two of them include ‘2018’, and no source is given to verify whether the websites are appropriate. No analysis of activity associated with the online marketing is given.

In addition to the above, it is noted the submitted Planning Statement considers the supply of employment land in Havant Borough, and concludes there would not be adverse harm resulting from the loss of office space. Whilst it is noted that this may constitute a material consideration, it does not address the relevant criteria in the policy.

As such, a policy objection would arise in the absence of evidence which satisfactorily demonstrates that an active and realistic marketing exercise has been carried out in line with the requirements of ALP Policies CS2, DM3 (ALP) and emerging HBLP Policy C1.

**Design:** Both the adopted and emerging local plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- E1 High Quality Design (HBLP)

**Noise and Amenity Considerations:** It is noted the southern boundary of the site adjoins the railway line, and as such there would be the potential for prospective occupiers to be subject to noise and vibration. Indeed, it is the main issue which has arisen in previous appeals for the residential development of the site. ALP Policy DM10 and HBLP Policy E22 are therefore of relevance in terms of whether there would be likely to be a significant negative effect on the amenity of the future occupiers. The Council’s Environmental Health Team should be consulted accordingly.

In addition, it is noted that paragraph 6.23 of the Planning Statement suggests that would not be appropriate. Indeed, it is noted Paragraph 14 of the appeal decision 2191295 states “*the rear grassed area would provide a very poor environment for amenity purposes.*” However, it is also noted that in the now submitted Plan that emerging HBLP Policy H1 indicates that sufficient private and/or communal outdoor amenity space should be provided and should be of a sufficient size and quality for the use by occupants. This must be afforded limited weight.

Paragraph 6.14 of the supporting text indicates that for flatted developments that this should be a minimum of 1.5 sqm of private amenity space per bedroom or 1 sqm of communal space per bedroom. In this respect, it is noted that the Borough's Design Guide indicates that the design of apartments should incorporate balconies where possible, particularly in the absence of communal gardens.

**Parking:** The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, emerging policy IN3 and the Council's Parking SPD. Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking in line with emerging IN3.

### **Summary**

In the absence of satisfactory evidence to demonstrate that an active and realistic marketing exercise, a policy objection would arise in the context of ALP Policies CS2 and DM3 and emerging HBLP Policy C1. Notwithstanding the oversupply of employment land in Havant Borough, I do not consider this to be a sufficient to justify the loss of employment in policy terms.

Furthermore, the site is clearly subject to some substantial noise constraints which affect the site's suitability for residential development. Furthermore, it is noted that this may have an impact on the practicability of outdoor amenity space, and therefore the quality of housing to support the health and wellbeing of its occupants. However, it is considered unlikely that a policy objection could be sustained on that basis.

### **Nutrient Team**

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00875.

### **Portsmouth Water Company**

#### Site Setting

The site lies on Made Ground overlying Superficial Deposits, which in turn overlie Bedrock. The Superficial Deposits are Head (Clay, Silt, Sand and Gravel) deposits and the Bedrock consists of London Clay Formation. The geology underlying the site is classified as an Unproductive Aquifer overlying a Principal Aquifer.

The site is located in Source Protection Zone 1c (SPZ1c) for an essential public water supply source. The SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality and the local public water supply source.

#### Portsmouth Water's Position

Portsmouth Water would not object to the proposed development in principle, however due to the sensitivity of the groundwater environment we would wish to be further consulted on any piling or deep infiltration drainage for the site.

#### Drainage

No information has been provided on the surface water drainage strategy for the site. Portsmouth Water would have a presumption against the use of deep bore soakaways at this site and the discharge of surface water into ground where adequate pollution prevention measures are not in place. If deep bore soakaways are proposed the

application must be accompanied by detailed plans and a hydrogeological risk assessment stating how risk to groundwater have been assessed and mitigated through design.

Portsmouth Water will only agree to the use of deep pit based systems (including boreholes or other structures that bypass the soil layers) for surface water disposal if the developer can show that all of the following apply:

- there are no other feasible disposal options such as shallow infiltration systems (for surface water) or drainage fields/mounds (for effluents) that can be operated in accordance with current British Standards;
- the system is no deeper than is required to obtain sufficient soakage;
- pollution control measures are in place;
- risk assessment demonstrates that no unacceptable discharge to groundwater will take place, in particular that inputs of hazardous substances to groundwater will be prevented; and
- there are sufficient mitigating factors or measures to compensate for the increased risk arising from the use of deep structures.

Reason: The proposed development lies within an area of sensitive groundwater used for human consumption. Deep infiltration systems can provide a pathway for contaminants. Any contamination present may pose a risk to groundwater underlying the site and to the surrounding drinking water supplies.

The proposed foul water strategy is discharge into the exiting foul main sewers; this is acceptable to Portsmouth Water in relation to groundwater protection. Portsmouth Water require the use of the highest specification pipework and designs for schemes involving new sewerage systems in SPZ1 to minimise leakage.

#### Piling & Foundations

The proposed site is situated in a sensitive groundwater catchment and there are potential significant risks associated with groundworks in this area.

Portsmouth Water would have no objection to piling at this location if the piles terminate within the Clay cover, if the piles penetrate the full depth of the Clay cover we would expect a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) to be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

*Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways.*

#### **Public Spaces**

No comments received

#### **Waste Services Manager**

No comments received

## 6 Community Involvement

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

Number of neighbour notification letters sent: 11

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 3 representations of objection (4 names including Havant Civic Society), 2 representations of support.

Comment	Officer Comment
<b>Objection</b>	
Over intensive use of small site causing too many cars needing parking and insufficient spaces.	See part 7 of this report relating to parking.
<p>This change of use to housing would result in homes situated very close to a busy railway line. I object to it on the basis of noise both from the railway and New Road. It would be difficult to ventilate these homes adequately when windows could not be opened. We are experiencing more periods of hot weather due to global warming and it's important that homes can be adequately ventilated.</p> <p>If approved this development would create poor living conditions for any future residents.</p>	See part 7 of this report relating to residential amenity and noise.
<p>Havant Civic Society:</p> <p>Our attention has been drawn to this application rather late in the decision making process. Nonetheless, we feel it is important that we support the case officer's decision that this application be refused.</p> <p>In an earlier application relating to this site, Environmental Health commented:</p> <p><i>"I would also ask that the following condition be imposed on any consent that may be granted:</i></p> <p><i>That it be reiterated that this new office extension, together with the existing office</i></p>	Noted



<p><i>accommodation shall not be converted to living accommodation without the prior written approval of the Local Planning Authority.</i></p> <p><i>Reason: This site is not suitable for residential use, due to the unacceptably poor living environment for the occupants."</i></p> <p>A view obviously shared by the case officer for this current application.</p> <p>In our opinion, the decision for the Development Management committee is very simple. They must support the case officer and refuse the application. Any other outcome would be unacceptable.</p>	
<p><b>Support</b></p>	
<p>As a local Bedhampton resident for the last 3 years, I would like to write to support the planning application that I see whilst walking my dogs, that has been made on the Aura House site for additional housing.</p> <p>I think this is just what this community needs, more smaller affordable housing for younger people of lower incomes to get a foot on the property ladder. I know most people write to oppose but I would like you to accept my email as a thumbs up as a local resident.</p>	<p>Noted - see part 7 of this report regarding housing.</p>
<p>When looking to move our growing business we came across Aura House. We were looking to relocate our business to allow for growth and provide the space that we require. We looked at Aura House as we thought that it would enable us to relocate locally from our offices as we continued to expand. However, when we considered alternatives and whether the space would suit us and our business it was decided that because of the lack of parking for our staff and the location away for the retail park/town centre that we would take a bigger space within Arena at Langstone Gate.</p> <p>Aura House is a nice building but seems separated from any other commercial offices and some key amenities that other business sites provide. For that reason I would support the idea of a conversion to flats as New Road is already a predominantly residential area.</p>	<p>Noted – see part 7 of this report in relation to loss of business floorspace.</p>

## **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) Housing land supply
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity including noise and vibration issues
- (v) Loss of business floorspace
- (vi) Highways and parking
- (vii) Ecological matters
- (viii) Other matters

(i) Principle of development

7.2 The application site is situated within an urban area as defined by policies CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and AL2 of the Havant Borough Local Plan (Allocations) 2014 where further development is considered acceptable subject to the usual development control criteria. In this case there are a number of detailed considerations pertinent to the residential use proposed which are detailed below.

(ii) Housing land supply

7.3 The Borough's five year housing land supply was updated in December 2020. This shows that the Borough has a 4.8 year housing land supply with a 5% buffer applied or 4.2 years with a 20% buffer applied and so does not have a five year housing land supply.

7.4 The proposal would result in the provision of 6 residential units and it is recognised that the development would therefore make a contribution towards the Council's housing need. Given the limited scale of the development this contribution would be relatively modest.

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

7.5 The site is located in a prominent position to the south of New Road in Bedhampton and to the east of the Bedhampton Level Crossing in West Street. There are clear views of the site therefore from the south-west, west, north and north-east with the bend to New Road making the site particularly prominent to pedestrians and from vehicles approaching from the south-west. The site is also viewed from the railway line which runs to the south of the site.

7.6 The site is triangular in shape and has a limited depth. In recent years, as can be seen from the planning history, it has been developed for commercial office use (residential uses being considered inappropriate, in particular because of concerns over impacts from the adjacent railway and road). The commercial use of the site has been supported by the Council and this has included the conversion of existing buildings and the erection of a purpose built office building. As a result of these developments the site is now fully occupied by the office buildings and their associated car parking. The buildings have been maximised in terms of floorspace as can be seen from their design which takes the form of a 'stepped' footprint alongside the railway line to

maximise the site coverage.

- 7.7 The proposal includes the provision of an extension to the north-eastern part of the building. This extension was approved previously under planning permission reference APP/18/00449 for a *2-storey extension to existing property to create additional separate individual office space*. The extension has not been implemented. The proposed elevations indicate a change to the materials to the extension with render to the north east and south east elevations rather than the brick shown on the previously approved scheme. This would match other elements of the building. The principle of the extension has therefore previously been accepted.
- 7.8 The area fronting New Road is mainly residential in character in the vicinity of the site. The most prominent building on the application site is the two storey office building which is set approximately 5.8m back from the pavement fronting New Road. This building is of domestic scale and is in proportion to the residential frontage to New Road. It is symmetrical in design with a central gable and slightly set back wings, all with pitched roofs. Tile hanging and good quality bricks help to provide an attractive appearance to the building and break up its apparent mass and bulk. To the east of this building is a less prominent two storey building set approximately 10.6m back from the pavement to New Road. This building is relatively recessive in the street scene when compared to the larger and set forward main building.
- 7.9 The current proposal includes a two storey extension to the north-eastern end of the site located between the existing office building and No.2 New Road, an end of terrace two storey dwelling. This extension has previously been approved under planning permission APP/18/00449 for office use. The extension would be set slightly back from the existing two-storey gable fronted original office building and would be viewed from New Road as a slightly recessive element with the front wall set slightly back and with a roof hipped back from the road elevation. The proposed materials would be render and part tile hanging to first floor (front) and interlocking roof tiles. There would be a front dormer window, picking up on an existing frontage dormer on the building.
- 7.10 Overall the design of the proposed extension is considered acceptable in its own right and would draw inspiration from existing development and overall respect its local context, the extension would have the same siting, scale and design as the previously approved extension.

(iv) Impact upon residential amenity including noise and vibration issues

- 7.11 There are two main aspects to consider in relation to residential amenity, the impact on No2 New Road and the acceptability of the development for future residents.

Impact on No.2.New Road

- 7.12 The proposed extension is located to the eastern end of the site and adjacent to the end of terrace two storey residential property No.2 New Lane. It is therefore important to consider the impact on this property which is the most affected dwelling as a result of the proposed development. It should however be noted that this impact in terms of the built form has been previously assessed in relation to planning permission APP/18/00449 and found to be acceptable.
- 7.13 The proposed extension would be sited to the south east of No.2 and be set approximately 2.3m from the side wall of this property. The extension would have a height to ridge height of approximately 6.7m and this would match that of the building to which it would be attached and has lower eaves and ridge heights than No.2. The

extension would be set well back from the frontage of No.2 and would incorporate a ground floor window on the facing elevation. Given the low boundary treatment and the fact that the window would serve a lounge which has another window it is considered appropriate to require that this window be obscure glazed and fixed shut or fitted with a restricted opening if permission were to be recommended.

- 7.14 No.2 has a part glazed door and window and a further window facing the application site. The part glazed door and window would mainly face the application site frontage rather than directly the extension. There was concern that the second window would face the flank wall of the extension and appears to be the only window serving a kitchen. No.2 is understood to be in the ownership of the applicant and therefore the possibility of providing an additional rear (south-east facing) window to serve this room has been explored previously in relation to planning application APP/18/00449 and this window has been shown on the Block Plan. If planning permission had been recommended a condition would be proposed to secure this and subject to this condition and the obscure glazing condition the impact on residential amenity would be considered to be acceptable.
- 7.15 It is not considered that the proposed residential use would result in a level of activity beyond that previously approved in relation to the business development.

#### Future Residents

- 7.15 In relation to the acceptability of the development for future residents there are considered to be the following main aspects, noise/vibration impacts, private amenity space / internal space and nationally described space standards, these are assessed below:

#### Noise/vibration impacts

- 7.16 The site is located adjacent to the Portsmouth- Waterloo and South Coast railway line to the south and New Road (B2149) to the north, a busy road. To the south west is the Bedhampton Level Crossing and Bedhampton Station. Stopping trains decelerate and accelerate from the station. The application has been submitted with an Environmental Noise Impact Assessment. The assessment included a survey of background noise carried out 21st - 25th February 2020 (before the first national lockdown) at two positions at the front of the site and rear of the site to establish the underlying background noise levels. This established maximum day time levels were found to be 65.4 dB and the maximum night time levels of 56.8 dB at the front of the site and 65.9 dB (daytime max) and 63.0 dB (night time) at the rear of the site.
- 7.17 The report then calculates Potential Facade Noise Levels with Average Daytime (07.00-23.00) highest potential facade noise level given as 67 dB and it is noted that 63-70 dB classed as Noise Risk Category 2 - Medium. The Average Night time (23.00-07.00) highest potential facade noise level is 62 dB with Maximum (10 times) 84.8 dB and it is noted that more than 60 dB and more than 80 dB (10 times in 8 hours) are noted as Noise Risk Category 3 - High.
- 7.18 The report states that *this site is located within Noise Risk Category 2 which suggests a Medium level of risk for daytime levels and Noise Risk Category 3 which suggests a high of risk for night time levels. Therefore, further mitigation levels will be required....* The report then sets out mitigation measures to seek to address noise concerns.
- 7.19 The mitigation proposed relates to a glazing and ventilation specification. This is set out in the Environmental Noise Impact Assessment where two different specifications

are provided relating to the front facade facing New Road and the rear and side facades facing the railway/level crossing etc. The report states that:

*The development should be designed with a 6mm glass / 6 - 16mm air gap / 4mm glass double glazed windows and a Titan V75 / C75 as shown above in blue (Front Facade facing New Road) and a 10mm glass / 16mm air gap / 8.8mm glass & Greenwood MA-3051 wall vent as shown in red (Rear and side facades facing railway/level crossing etc.) above in order to comply with the LAmax levels as shown in section 9.22 or similarly approved to all rooms to ensure the internal noise levels are acceptable in terms of the assessment to British Standard 8233: 2014.*

- 7.20 Effectively the report concludes that to mitigate the impact of noise on the various elevations of the building a different specification of glazing and ventilation is proposed to the two different areas, reflecting their exposure to noise from road and railway. These measures are aimed at providing an acceptable living environment within the flats for residents by mitigating the impact of external noise sources.
- 7.21 The Environmental Health team have assessed the proposal in relation to noise and comment that the acoustic report confirms high noise levels to all facades of the building, facing the railway and New Road. The noise levels at the site are excessive and a suitable internal noise environment can only be achieved in compliance with BS 8233:2014 with specialist glazing on both facades and ventilation.
- 7.22 It is noted that the proposal in seeking the conversion of an existing building rather than designing a scheme to occupy an undeveloped or re-developed site results in no opportunity to design the residential development to seek to minimise exposure to noise. It is however recognised that this would be difficult in relation to the application site in any case due to its relatively constricted size and shape and the fact that noise sources impact the front and rear of the site (this is reflected in the previous refusals of new build residential schemes set out in the planning history).
- 7.23 The means of achieving lower noise within the building is to provide acoustic glazing that would need to remain shut to minimise noise with ventilation via wall or window vents. These relatively modestly sized flats are therefore provided with unusually restricted internal environments. ProPG: Planning & Noise Professional Practice Guidance on Planning Noise New Residential Development May 2017 provides advice in relation to such solutions in paragraphs 2.21 and 2.22:

*2.21 Good acoustic design is not just compliance with recommended internal and external noise exposure standards. Good acoustic design should provide an integrated solution whereby the optimum acoustic outcome is achieved, without design compromises that will adversely affect living conditions and the quality of life of the inhabitants or other sustainable design objectives and requirements.*

*2.22 Using fixed unopenable glazing for sound insulation purposes is generally unsatisfactory and should be avoided; occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents.*

- 7.24 Whilst the windows in this development could be opened this would be at the expense of the internal noise environment. As pointed out by the Environmental Health

response:

*Future occupiers of the flats will not be able to open their windows to provide suitable fresh air, flush out smells or odours, or have the ability for greater flow of air in summer unless they want an excessively loud noise environment. The current orientation of the development means each flat has windows on both the railway and road façades with no rest bite.*

Further details have been provided in relation to ventilation and it is stated that:

*The MVHR (Mechanical Ventilation with Heat Recovery) system will provide balanced ventilation for all occupants to receive healthy levels of airflow without having to open the windows (i.e. 30m<sup>3</sup>hr per typical occupant, constantly over 24 hours). This means CO<sub>2</sub>, smells and humidity will be extracted and tempered, filtered fresh air is provided.*

*This means that windows would only need to be opened in purge conditions, such as excessive heat, heavy smoke from burnt food or to clear paint fumes after redecoration.*

Any further comments received from Environmental Health in relation to these details will be reported to members.

- 7.25 The sites suitability for residential use in terms of noise has also previously been considered both by the Council and at appeal by the Planning Inspectorate.

Application Ref: APP/10/00890 *Construction of 1No. 2 bed dwelling and 2No. 1 bed flats with new access to New Road, associated car parking, bin storage and cycle storage;* was refused planning permission on the 12th January 2011 with four reasons for refusal. The noise reason for refusal read as follows:

*The site is located in close proximity to the Portsmouth to London (Waterloo) railway line and to the B2149 (New Road) and the levels of noise recorded on the site indicate that it falls with Noise Exposure Category (NEC) C of Planning Policy Guidance Note 24, Planning and Noise and as such, planning permission for housing should not normally be granted. In addition the levels of noise, dust and vibration affecting the site in association with the design of the flats proposed, which are limited in terms of both internal and external amenity space, would result in an unacceptably poor living environment for the occupiers of the proposed residential units. As such, the proposal would be contrary to Planning Policy Guidance 24 (Planning and Noise), Policy CC1 and CC6 of the South East Plan and saved policy 01 of the of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.*

- 7.26 The application was subject to an appeal and the Inspectors Decision Notice dated 15th August 2011 stated in relation to noise:

*This is clearly a noisy site, the road was consistently busy during my site visit and I was able to, watch a train running through the station as well. The appellant's noise consultants have produced a report which finds the average Laeq measurement for the daytime is 62.8 dB. This places the site just within the 55-63 dB limits of zone B as described in Annex 1 of Planning Policy Guidance Note 24 Planning and Noise. This zone is, essentially where development can go ahead with appropriate conditions to mitigate against any noise nuisance.*

*The Council however, state that this average has been calculated as an arithmetical*

*mean of the individual, hourly measurements. As the units are logarithmic in scale they cannot simply be added up and divided to reach an average. Using logarithmic calculations the Council arrive at a figure of 63.4dB, which places the site within zone 'C' where development would not normally be allowed.*

*Although the appellant states the noise consultants supplementary document specifically addresses the Council's reason for refusal which deals with noise, nowhere does it comment on the fundamental argument that the calculations are incorrect, nor do the appellants final comments. Consequently, on the basis of the evidence before me I can only conclude the site lies within Zone C.*

*Although paragraph 8 of PPG24 states that categories B & C deal with "situations where noise mitigation measures may make development acceptable", category C in Annex 1 is described as where planning permission should not normally be granted. It is envisaged planning permission would only be considered where, for example, there are no alternative quieter sites. There is no suggestion that it is imperative in any way that this site should be used for housing. Consequently, I consider the site falls in Zone C where planning permission should not normally be granted. This is sufficient on its own to suggest the appeal should be dismissed.*

- 7.27 Application APP/12/00736 related to the *Construction of 1No. two storey building containing 2No. 2 bed flats with associated car parking, bin and cycle stores, landscaping and 2m acoustic fence, with access to New Road;* was refused planning permission on the 19th September 2012 for two reasons. In relation to noise and vibration the reason was as follows:

*The site is located in close proximity to the Portsmouth to London (Waterloo) railway line and to the B2149 (New Road) and due to this the levels of noise recorded on the site are not acceptable for a housing development when there are alternative sites more suitable for housing within the Borough. In addition the levels of noise, dust and vibration affecting the site in association with the use of the external amenity space, would result in an unacceptably poor living environment for the occupiers of the proposed residential units. As such, the proposal would be contrary to Policy CS16 and DM10 of the Core Strategy, which forms part of the Havant Borough Local Development Framework and The National Planning Policy Framework, March 2012.*

- 7.28 The refusal was again subject to an appeal and the following comments from the Inspector are considered relevant:

*..... the outstanding main issue in this appeal is whether or not the development would provide for a satisfactory living environment for the residents of the flats having regard to the noise levels present on the site arising from the proximity of the railway line and the main road and whether appropriate mitigation measures could be employed to alleviate any such nuisance to an acceptable level.*

*In his decision my colleague described the site as 'clearly noisy' being sandwiched between the busy main road and the main railway line both of which lie in very close quarters to the proposed building. At that time Planning Policy Guidance Note No 24 (Planning and Noise) (PPG24) was in force and the Framework had been published in draft. After examining the evidence before him the Inspector concluded that the site lay within Zone C of PPG24 where planning permission for residential development should not normally be granted. In these circumstances, he continued, a grant of planning permission should only be considered where there are no alternative, quieter sites. In the absence of any suggestion that such was the case, he determined that on*

*that issue alone the appeal should be dismissed.*

*Since then the noise levels present at the site will not have decreased. Notwithstanding, the appellant states that in the present scheme the development has been specifically designed to render it as being acceptable on this issue. Particularly, the flats would be predominantly single aspect with acoustic insulation, with special glazing and ventilation systems and the construction of a 2m high acoustic fence on the boundary with the railway line. The previous proposal provided only for standard, double-glazed units which would have been ineffective when opened. The previous Inspector commented that 'a complete redesign' of the development would be required to overcome the noise problems. It is contended that this has been achieved.*

*The appellant's acoustic consultants point out that many developments are now positioned close to railway lines and motorways and have non-opening windows. A satisfactory living environment is capable of being provided in this development with the special measures being implemented. It was assessed that with the acoustic fence in place compliance with the World Health Organisation document could be achieved. With the cancellation of PPG24, the previous categories of Zones Band C no longer apply and the evaluated planning category of the development within Zone C should be taken as being for guidance purposes only.*

*The appeal site is highly constrained in its development potential because of its location. I acknowledge that the design of the building, the installation of appropriately manufactured and installed, non-opening fenestration, the use of an artificial ventilation system and the erection of an acoustic fence on the southern boundary of the site are, in combination, measures which would be capable of mitigating the noise nuisances generated by the railway line and the road to an acceptable level within the flats. However, these measures would come at some cost to the living standards of the residents of the units.*

*Particularly, and notwithstanding the acoustic fence, the rear grassed area would provide a very poor environment for amenity purposes with trains passing at frequent intervals and sometimes at speed within very close proximity. This aspect of the development would be in conflict with the Council's Design Guidelines SPD which requires flats to have an outside amenity space in the form of a garden or balcony. I agree with the Council that the use of the rear amenity area would so adversely affected by the noise and intrusion from passing trains that it could not be used in any beneficial way as an amenity area for recreational or relaxation purposes. The use of a forced air system to provide adequate ventilation to the kitchen and dining area for the ground floor flat would be less than satisfactory and would create an oppressive and claustrophobic environment for the residents.*

*In my conclusion the development of the appeal site in the manner proposed falls well short of providing what should be regarded as an acceptable living standard for its residents. Whilst it may be technically possible to mitigate the noise nuisance to an appropriate level within the building, that would come at a considerable cost in terms of design and the very poor internal environment which would result. Additionally, the rear amenity space would be so poor in terms of its ability to be enjoyed that it would be of very little if any benefit to the living conditions of the occupants.*

- 7.29 It is clear from the two appeal decisions that appeal inspectors have considered the site noisy and that it has not been considered that mitigation measures employed would result in a satisfactory living environment for future residents at this site. In particular, it has been concluded that whilst it may be technically possible to mitigate the noise nuisance within the building this comes at a considerable cost and poor



internal environments. This is still considered to be the case with the current proposals where a noise environment that is suitable internally is only achieved by closed windows to relatively modest flats.

#### *Vibration Issues*

- 7.30 At the time of writing whilst the monitoring point for vibration has now been clarified, further comments in relation to vibration issues are awaited from the Council's Environmental Health Team. It is noted that previous residential schemes have been refused in relation to noise and vibration. Members will be updated in relation to any further comments received.

#### *External Environments / Amenity Space*

- 7.31 The proposal includes no shared or private external amenity space for future residents. This is a product of the constrained nature of the site and the amount of built form contained within it. It is noted that in application APP/12/00736 a limited amount of external amenity space was proposed adjacent to the railway line and acoustic fencing was proposed to the boundary line. As set out above the appeal Inspector considered that this area would provide a very poor environment for amenity purposes.
- 7.32 The Havant Borough Council Borough Design Guide SPD 2011 considers external amenity space. Paragraph 5.12 states:

*All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment. Paragraph 5.14 relates specifically to apartments; Where ground floor apartments are being proposed the applicant should endeavour to provide private gardens for individuals where possible. When not possible communal gardens should be provided, with safe and convenient access for residents.*

Paragraph 5.15 states:

*In addition, the design of apartments should incorporate balconies where possible, particularly in the absence of communal gardens. However, balconies are not acceptable everywhere, particular in historic and conservation areas.*

- 7.33 Havant Borough Local Plan Submission version carries little weight, however, policy H1 (High quality new homes) also considers external amenity space and states (amongst other matters):

*Residential Development will be expected to improve the provision of:*

*b. Sufficient private and/or communal outdoor amenity space;*

Paragraph 6.14 continues:

*For flatted developments, the Council's Healthy Borough Assessment sets out that this should be a minimum of 1.5sqm of private amenity space per bedroom or 1 sqm of communal space per bedroom.*

- 7.34 The proposed development makes no provision for outside amenity space within the site and furthermore there is no opportunity to provide suitable outside amenity space that would produce an acceptable environment for use. Whilst it is recognised that

some building conversions to residential use provide more limited options for external amenity space, it is considered particularly important as a means of release to fresh air where residents are effectively living in units unable to open windows without significant noise / pollution impacts.

- 7.35 With regard to the other space around the residential building, it is noted that the areas to the front and west of the building are dominated by parking and turning areas with vehicles manoeuvring and parking close to the front of the ground floor units. Given the constrained nature of the space, such vehicle manoeuvring is likely to be increased to allow vehicles to leave to the busy New Road in a forward gear. Again, it is considered that this arrangement allows for very limited opportunity for release for residents from their constrained and noisy environment.
- 7.36 In relation to the size of internal space the application has been assessed against the Technical housing standards - Nationally described space standards. The 1 bed 1 person units range from 37.3 - 44.2sqm this would meet the 37sqm minimum requirement for a 1 bed one person unit with shower room. The 2 bed 3 person flats range from 61.49 - 62.45sqm meeting the minimum requirement for 61sqm floorspace. It is noted however that the flats are relatively small further increasing the concerns over the lack of external amenity space.
- 7.37 Overall, it is considered that the development would fail to provide an appropriate living environment for future residents.

(v) Loss of business floorspace

- 7.38 The site has been developed over a number of years for office use starting with application APP/13/01277 for independent commercial use (office and car parking). A two storey office block was permitted under application APP/14/01004 in 2014, an infill extension was granted in 2015. Two storey extensions were granted in 2017 (APP/17/00972) and 2019 (APP/18/00449) these latter permissions are understood not to have been implemented.
- 7.39 At the time of the consideration of the most recent consent APP/18/00449 (considered at the Development Management Committee on the 18th October 2018) the submitted Design and Access Statement dated October 2018 stated:

*There appears to be a requirement for small dedicated office units within the area and the existing development is full and in constant demand for additional space. The site has already proven that it is successful in recruiting local people and businesses and the potential to provide a further office unit can only increase these job opportunities. The business case for this development is sound and is supported by the council's own corporate strategy.*

- 7.40 The current application is supported by a Planning Statement which details an over supply of business floorspace in the Borough, that the proposals would only result in the loss of 241sqm of office floorspace, that there is an evidenced lack of demand borough wide and at this site specifically and that where there is still demand is in higher profile areas and not at the application site. Furthermore the site has not been allocated for employment. The statement considers that the loss of a small amount of employment floor space within a predominantly residential area would not be harmful and that this is further illustrated by the attempts to market the site where there has been no shown interest. It is also stated:

*It should also be noted that the previous planning application to expand the office floor*

*space was sought in the hope that it would improve the marketability of the building. As evidenced throughout this statement and appendices, this unfortunately has not been the case. Little interest has been shown despite efforts to expand the viability of the office use which further demonstrates that the office is no longer fit for purpose.*

7.41 In relation to the impact of Covid-19 the planning agent states that his has a considerable impact on the need for office space and concludes that: *It is appreciated that these are new circumstances, however, it is important to recognise that the less than optimistic stance of achieving B1 occupants before the pandemic will have regressed further where the demand has dramatically decreased. This downward trend is likely to continue.*

7.42 As set out in part 5 of this report, the loss of business use has been considered by the Councils Planning Policy Team. Policy CS2 of the Havant Borough Local (Core Strategy) 2011 states that:

*Planning Permission will be granted for development proposals that (amongst other matters):*

*5. Safeguard existing employment sites and allocations that are fit for purpose from development proposals for non employment uses*

It is clear from this that existing employment sites, whether allocations or otherwise, are protected by this policy. It is also noted that the buildings on site provide modern small business floorspace.

7.43 Policy DM3 specifically relates to *Protection of Existing Employment and Tourism Sites*. This states:

*The change of use or development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. Where it is clearly demonstrated that the site is no longer suitable for B use class employment, other types of economic development should be considered in the first instance. These uses will be expected to provide employment opportunities of similar quality and quantity as those which previously existed. Only if another type of economic development cannot be found which provides similar quality and quantity of employment opportunity, will other uses then be considered.*

It should be noted that following changes to the Use Classes Order Class B has now become Class E, however the policy continues to protect the formerly B class uses on the site.

7.44 Policy DM8 provides requirements in relation to the marketing exercise required:

*For both employment and tourism sites this shall be demonstrated through an active and exhaustive marketing process covering at least 18 months for a major site and 12 months for all other sites.*

*In all cases the marketing process requires as a minimum:*

*i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.*

- ii) Dated photographs of marketing board/s of an appropriate quality, size, scale, location and number, during this time, on the premises.
- iii) An enquiry log, how it was followed up and why it was unsuccessful.
- iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements spread across a six month period).
- v) Evidence of marketing via the internet.

This site is not considered to constitute a major site and therefore a 12 month marketing period is considered appropriate.

- 7.45 Paragraph 6.10 of the Planning Statement provides some limited commentary on the marketing exercise undertaken, and further details have been provided in a 'Response to Officer's committee report' but is deemed to be inadequate to justify the loss of employment in the context of Policies CS2, DM3 and emerging policy C1. The Planning Policy consultation comments provide details of the concerns in relation to the information provided.
- 7.46 The history of the sites continued expansion for business purposes, the previously asserted demand for such uses and the fact that the premises are modern and designed for business use, are considered to weigh against any conclusion that a residential use would be appropriate. This would lead to the loss of employment opportunities and as set out above is considered to provide inappropriate living conditions for residents. The implications of Covid 19 on the demand for offices, particularly for small scale offices likely to be suitable for start up business is not clear at this stage. It is not considered that the Covid 19 impacts have been demonstrated to justify the loss of business floorspace which provide employment opportunity. Finally, the applicant has been requested to provide information as to the current occupancy and last use of the units and members will be updated in relation to these matters; recent views of the site by officers from the public highway indicate ongoing business use at the premises.

(vi) Highways and parking

- 7.47 The site is served by an existing access onto New Road and this is not shown to be altered as a result of the development. The frontage of the site is currently hard surfaced and used for car parking in association with the business uses.
- 7.48 The proposed plans indicate amended parking and include cycle and bin stores. The layout would not allow for the access of refuse lorries onto the site and turning, however, the proposed bin stores would be relatively accessible from New Road and bins could if required be moved to a collection point on bin collection day.
- 7.49 HCC Highways confirm that: *The trip rates associated with the change of use from office to residential flats is not considered to have a severe impact on the local highway network.*
- 7.50 In relation to car parking, the proposal has been assessed in relation to Havant Borough Council Parking SPD 2016 (partially updated September 2019). For dwellings with allocated parking as is the case here, table 4A sets out the following requirements:

- 1 Bed unit - Minimum Car Parking Requirement - 1 Space
- 2 Bed unit - Minimum Car Parking Requirement - 2 Spaces

This would equate to 8 spaces being needed (4 x 1 bed and 2 x 2 bed units)

The current layout provides 1 space per unit (total 6 spaces) and therefore is deficient by two spaces. Provision is made for one electric vehicle charging point and although this does not meet the emerging requirement in Havant Borough Local Plan Submission version policy ING3 for allocated parking, given the limited weight of the plan the proposed provision is considered acceptable.

- 7.51 The Parking SPD does recognise that in some highly accessible areas lower parking requirements may be appropriate (this is particularly the case in Town Centres) and table 3.1 provides a list of More Accessible to Less Accessible areas. Bedhampton Train Station (adjacent to the site) comes out fourth in the list of accessibility (behind Havant Town Centre, Waterlooville Town Centre, and Emsworth Town Centre) and is therefore considered relatively accessible. On balance the deficit of two parking spaces in this relatively sustainable location with train and bus services nearby is not in itself considered to warrant a reason for refusal.

(vii) Ecological matters

- 7.52 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.
- 7.53 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.54 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.55 As the recommendation is to refuse planning permission these matters have not been pursued further at this stage and a reason for refusal based on the need to provide appropriate mitigation is recommended. If the recommendation to refuse permission is not agreed then it would be necessary to secure the appropriate S106 agreement and contributions prior to the issuing of any planning permission to ensure compliance with the Habitat Regulations.

(viii) Other matters

- 7.56 The application results in an additional floorspace increase and conversion of an existing office building which has been occupied for 6 continuous months in the previous 36 months. The development would be CIL liable for the additional floorspace. The liability should permission be granted would be £5,470.71.
- 7.57 Southern Water raise issues of sewer protection (the sewer runs to the south east part of the site). It is not anticipated that the sewer would be impacted. Had planning permission been recommended an informative to alert the applicant to this feature and in relation to requirements for connections to Southern Waters network would have been recommended. Portsmouth Water raise issues in relation to the potential of the development to impact the Aquifer and these matters could have been covered by the imposition of appropriate conditions should planning permission have been recommended.
- 7.58 The Hampshire Constabulary Crime Prevention officer has raised concerns in relation to the security of the cycle store, this is now in a more overlooked position and had permission been recommended a condition in relation to ensuring a secure design could have been imposed. Issues of lighting could also have been addressed with suitable conditions.
- 7.59 The Landscape officer also raises the overlooking of the bike store. In addition, improved fencing to the railway line could have been addressed by condition had permission been recommended. The bin store has been slightly repositioned to improve the relationship to flat 3.

## **8 Conclusion**

- 8.1 In conclusion, whilst the development would make a relatively modest contribution to housing land supply and would have an acceptable impact on the character and appearance of the area, the resulting residential accommodation would result in an unsatisfactory living environment for future residents. The proposal would also result in the loss of business floorspace which has not been adequately justified. Finally impacts on the SPA have not been adequately addressed at this stage in terms of recreational pressure and the water environment. The application is therefore recommended for Refusal.

---

## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00875 for the following reasons:

- 1 The site is located in close proximity to the Portsmouth to London (Waterloo) and South Coast railway line and to the B2149 (New Road) and as a result is subject to significant levels of noise which are considered unsuitable for a residential use of the building. In addition, the levels of noise, affecting the site result in mitigation measures in the form of glazing and ventilation which result in internal living conditions that produce a poor environment for residents who are unable to open windows without resulting in unacceptable noise impacts. Furthermore the development does not provide any external amenity space and is dominated by parking and manoeuvring of vehicles to the front and the railway to the rear, again resulting in an unacceptably poor living environment for the occupiers of the proposed residential units. As such, the proposal would

be contrary to Policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, to policy DM18 of the Havant Borough Local plan (allocations) 2014, Havant Borough Design Guide SPD 2011, The National Planning Policy Framework and Planning Practice Guidance - Noise..

- 2 The proposed change of use from Business use to Residential use would result in the loss of employment opportunities. On the basis of the information available, it has not been demonstrated that the loss of employment floorspace is justified. The proposal therefore conflicts with policies CS2 and DM3 of the Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework.
- 3 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan), Policy E16, EX1 and E12 of the Submission Havant Borough Local Plan, paragraph 175(a) of the NPPF and The Conservation of Habitats and Species Regulations 2017 (as amended).

#### **Appendices:**

Appendix A: Location Plan

Appendix B: Site Plan

Appendix C: Existing Floor Plans (Including Extension Approved under APP/18/00449)

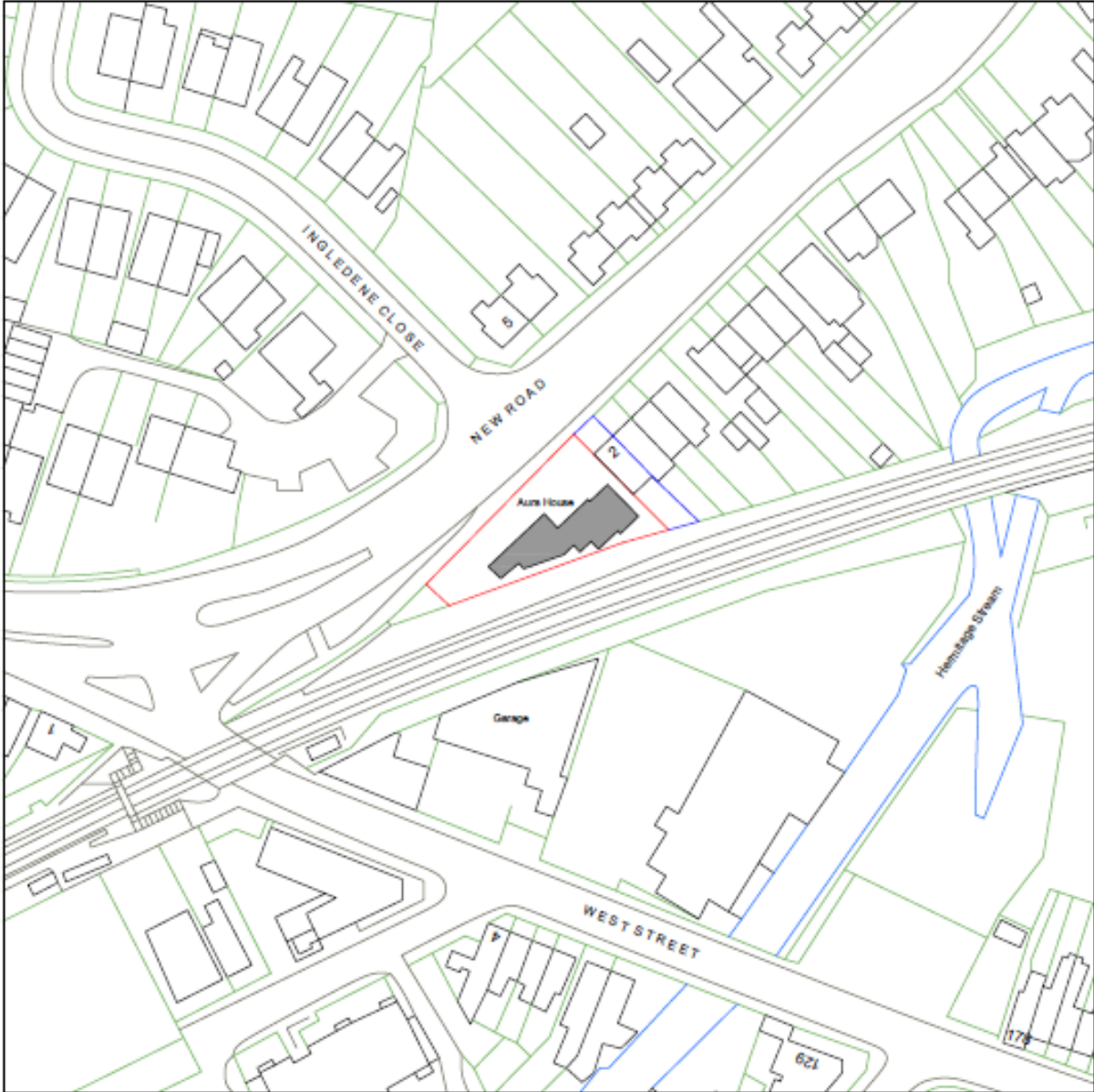
Appendix D: Proposed Floor Plans

Appendix E: Existing Elevations (Including Extension Approved under APP/18/00449)

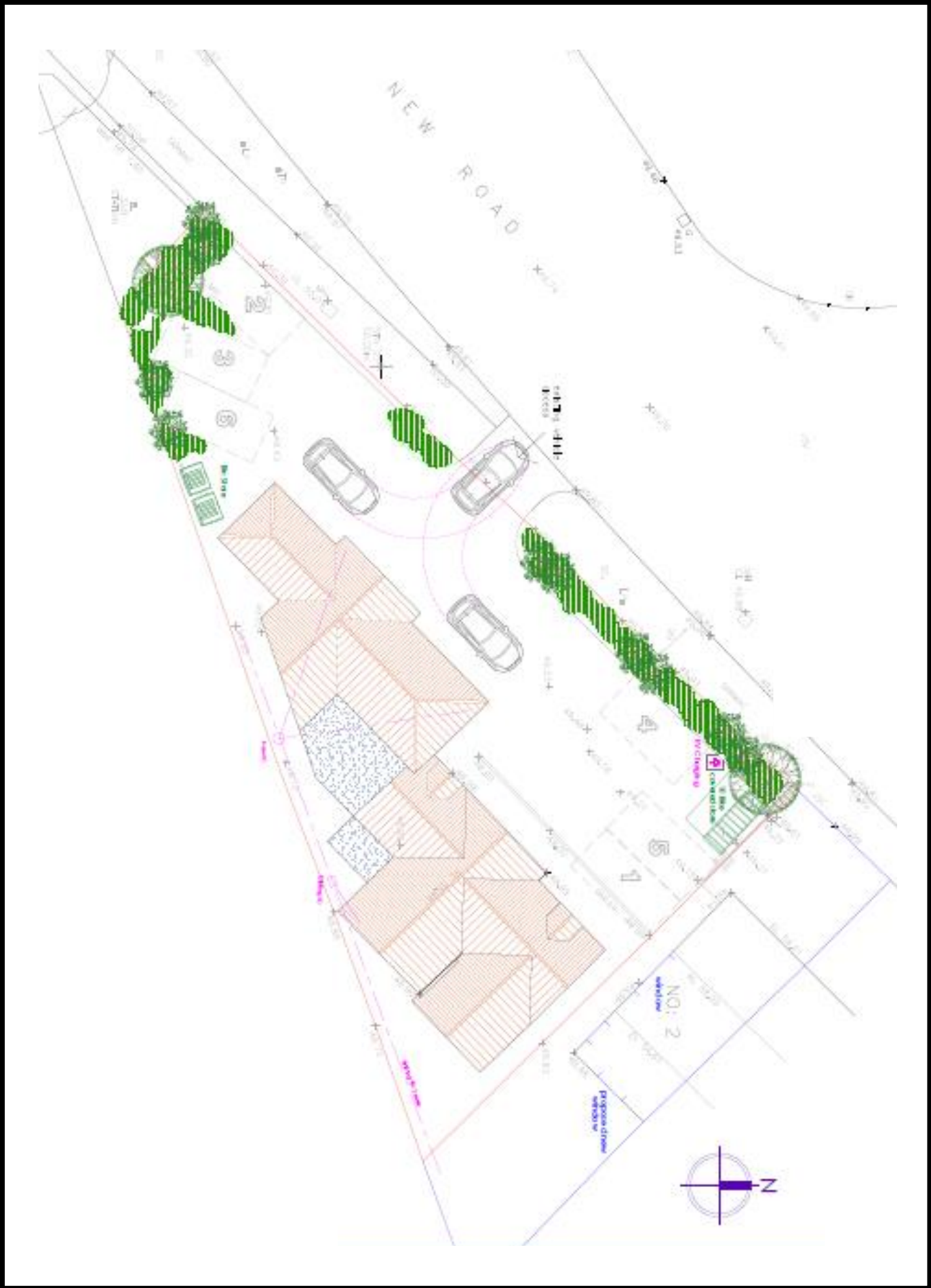
Appendix F: Proposed Elevations

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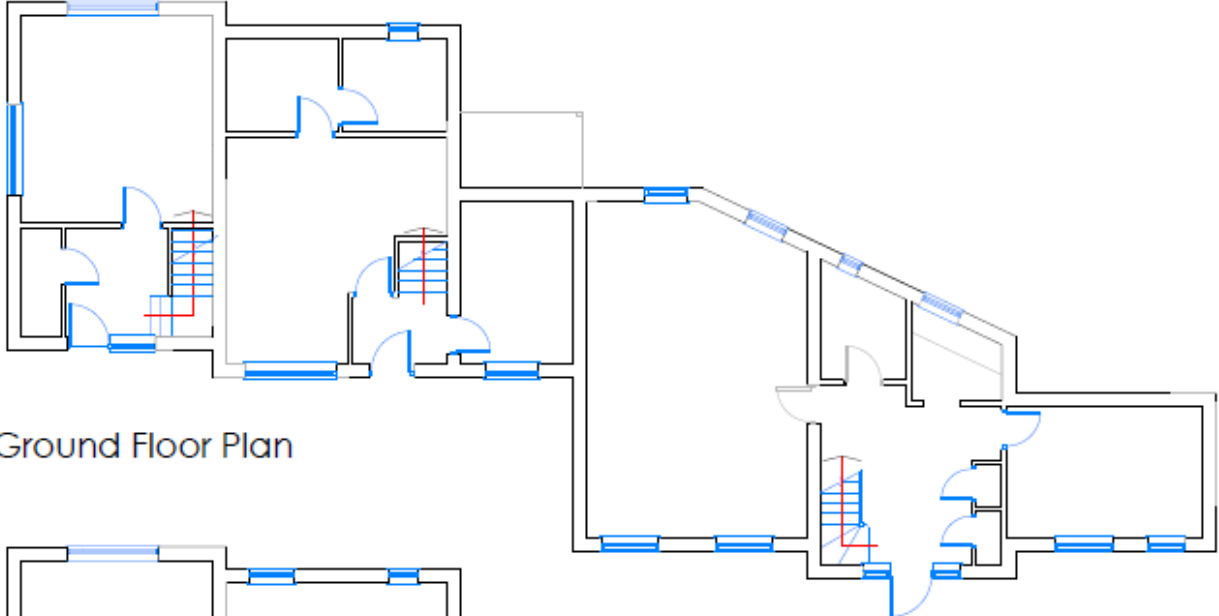




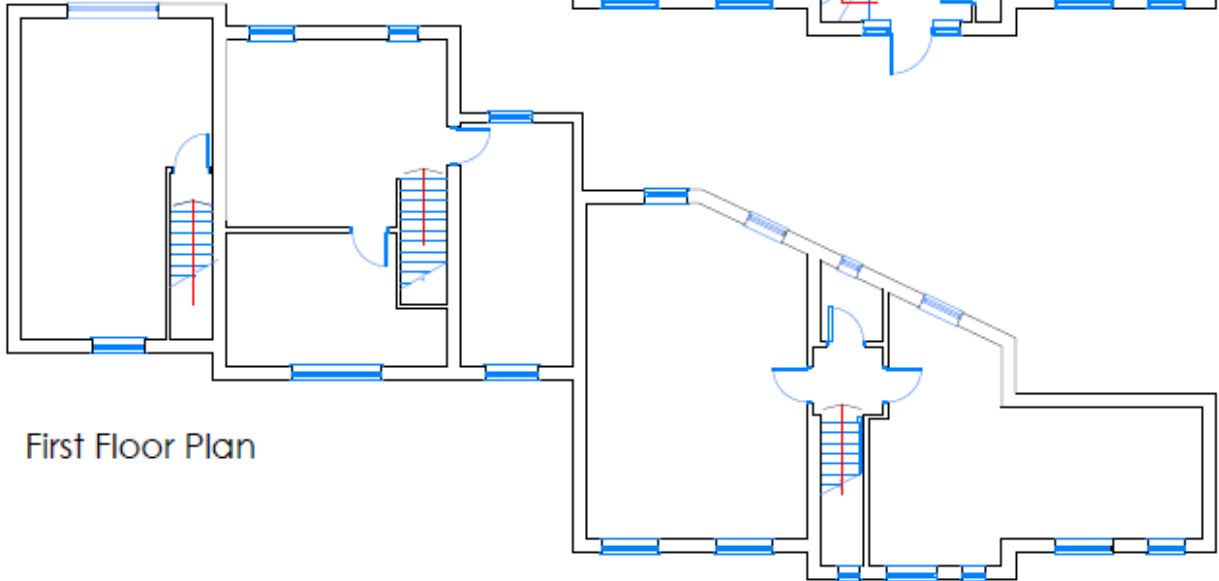
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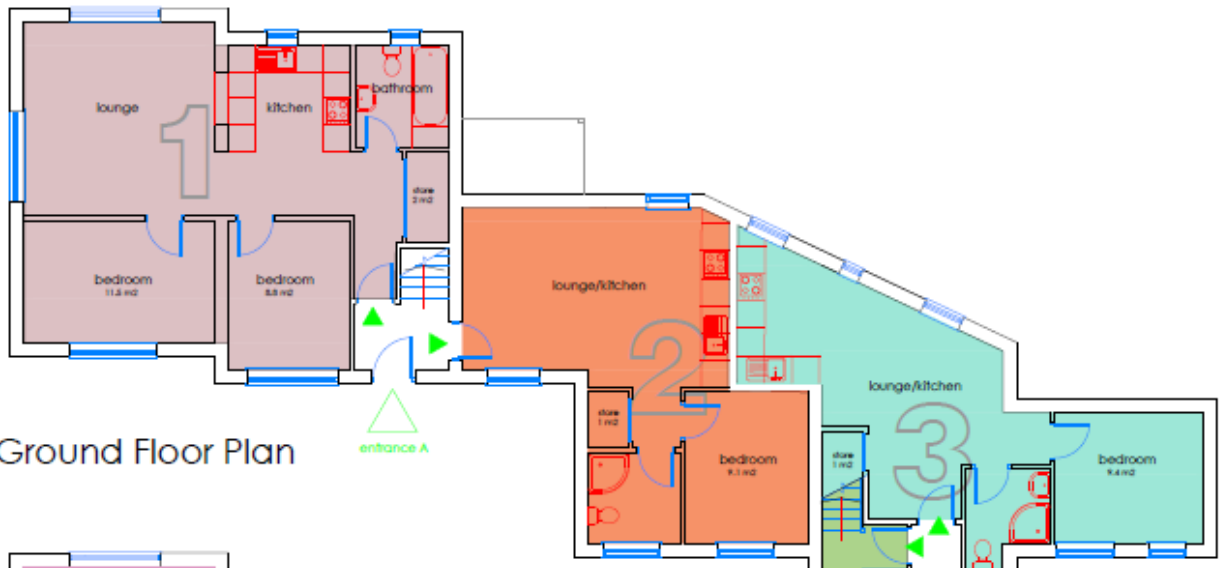


Ground Floor Plan

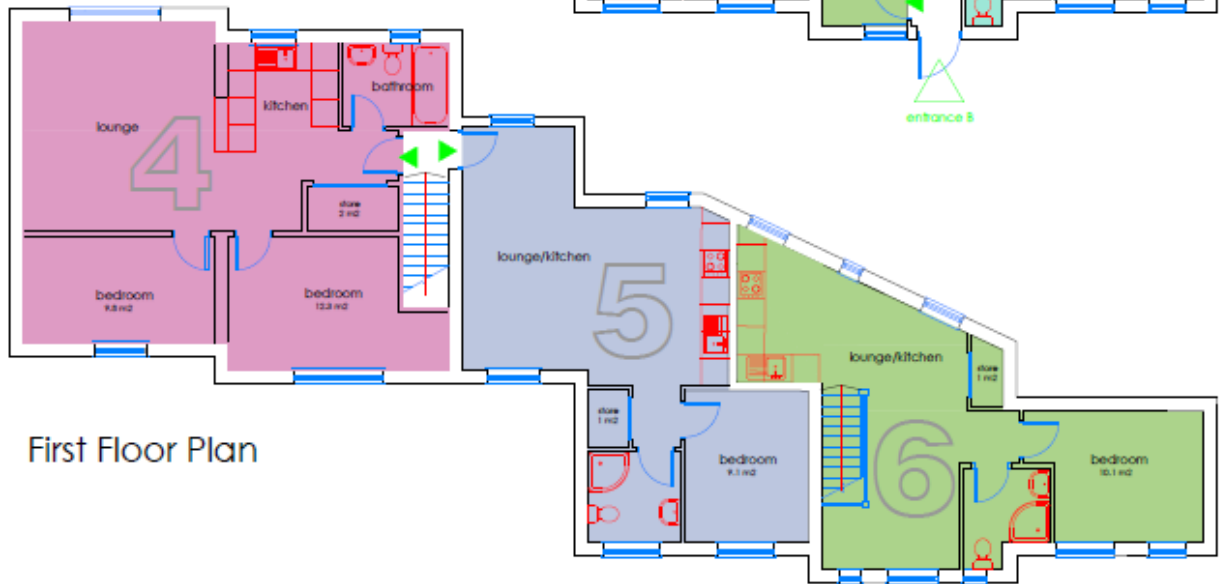


First Floor Plan

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Ground Floor Plan



First Floor Plan

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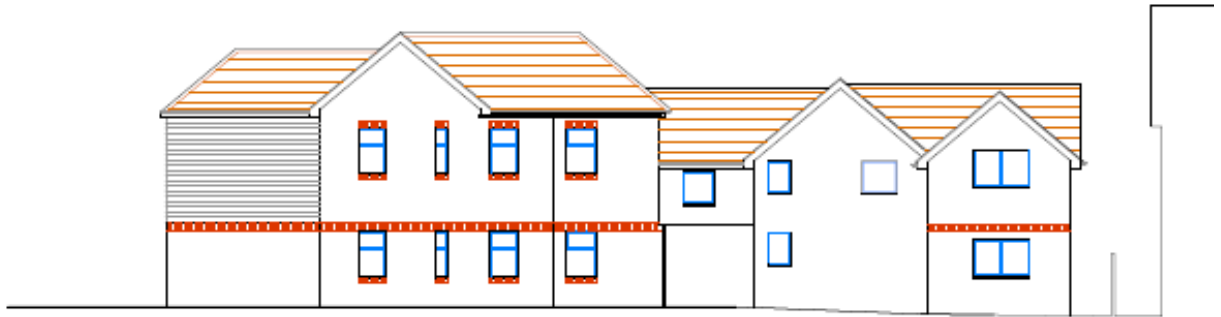
EXISTING ELEVATIONS

APPENDIX E

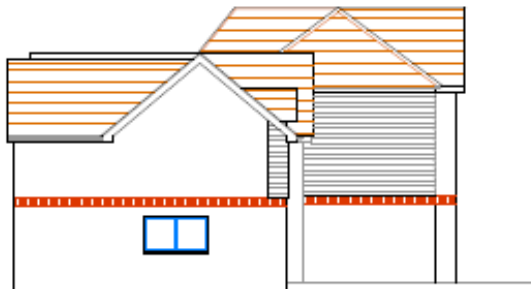
(Including Extension Approved under APP/18/00449)



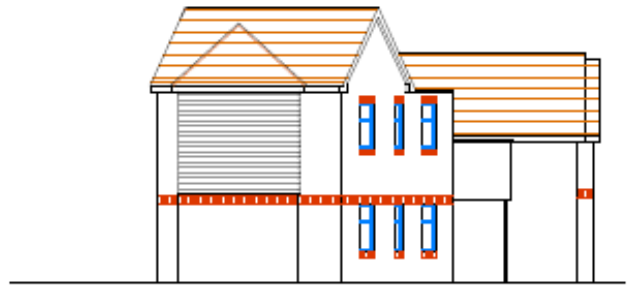
North West Elevation



South East Elevation



North East Elevation



South West Elevation

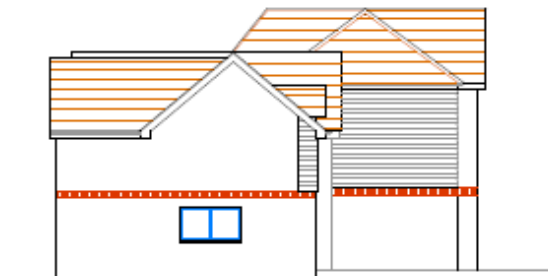
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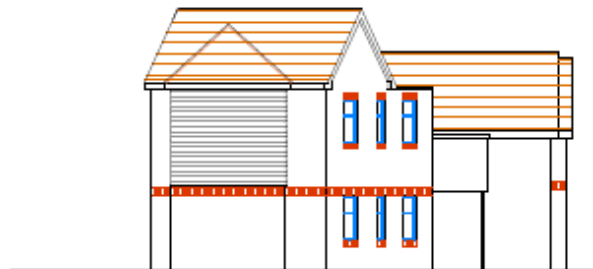
North West Elevation



South East Elevation



North East Elevation



South West Elevation

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Site Address: 3 Westmead Close, Hayling Island, PO11 0DS  
Proposal: Demolition of existing dwelling; Erection of 1No. two storey three bed dwelling and associated works.  
Application No: APP/21/00075 Expiry Date: 01/04/2021  
Applicant: Mr Shield  
Agent: Mr Potter Case Officer: Selina Donophy  
James Potter Associates  
Ward: Hayling West

Reason for Committee Consideration: At the request of Councillor Scott

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

- 1.1 This application site is a detached bungalow located on the east side of Westmead Close, Hayling Island, where the road forms a cul-de-sac. The dwellinghouse has a tiled, pitched roof with render and brickwork to the elevations. Set back towards the rear of the site was a detached garage with access down the northern side of the property although this has now been demolished - towards the front the property is set back from the road with a hard standing, lawned area and low brick boundary wall.
- 1.2 The area is predominantly residential in character, with Westmead Close comprising bungalows with the exception of No.5 which is a chalet bungalow. There are also examples of two storey properties towards the north along Bacon Lane. Approximately 300 metres to the south of the site is Hayling sea front. The site is not within a flood zone.

## **2 Planning History**

None relevant

## **3 Proposal**

Demolition of existing dwelling; Erection of 1No. two storey three bed dwelling and associated works.

## **4 Policy Considerations**

National Planning Policy Framework  
Havant Borough Council Borough Design Guide SPD December 2011  
Havant Borough Council Parking SPD July 2016

### Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

**5 Statutory and Non Statutory Consultations**

**Building Control**

No comment received

**Community Infrastructure, Planning Policy & Urban Design**

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

The applicant has now submitted a completed CIL Form 7 Part 1 to enable self build relief to be granted.

Not SRMS liable as the application is for a replacement dwelling

**Councillor Clare Satchwell - Hayling East**

No comment received

**Councillor I Scott Hayling West**

Concerns raised which relate to impact of the proposal on neighbour amenity and impact on the character of the area.

**Councillor Joanne Thomas**

No comment received

**Crime Prevention -Minor Apps**

No comment received

**Hampshire Highways**

Due to this application being for one dwelling with no change to existing access, this application will fall under the Hampshire County Council Standing advice, and therefore comments will not be made to the internal layout and the local planning authority should review.

I therefore confirm the Highway Authority have no objection to this proposal.

**Public Spaces**

No comment received

**Waste Services Manager**

No comment 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: 14

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 4: 3 Objections (with 4 names) and 1 Support

The following is a summary of the representations received:

### Objections

#### Design and Impact on the character of the area

- Design out of keeping with the streetscene / style of surrounding properties.
- Any proposal to mitigate the noise?
- Loss of privacy.

#### Parking & Highways

- 
- Concerns regarding parking on the road and blocking of the highway

#### Amenity

- Privacy and overlooking towards the rear and front
- Privacy of gardens
- Overshadowing to properties opposite
- Noise / dust concerns

#### Other

- Consultation letters not sent out correctly (**Officer Comment:** Neighbour publicity has now been carried out in accordance with the Council's procedures)
- Times of work suggested to be controlled

Case Officer comment with regard to noise disturbance and access:

It is acknowledged that construction activity can cause disruption to adjoining properties, however this is a temporary impact and is not a material planning consideration. Any blocking of accesses during the construction period would be a civil matter between the parties and if necessary, for consideration by the relevant authorities. Parking post construction is considered in part 7 below. Any undue noise and disturbance would be a matter controlled under separate Environmental Health legislation. Informatives are proposed to highlight key Environmental Health issues.

#### Support:

##### Design and Impact on the character of the area

- If you stand in The Close and look around there are as many 2 storey dwellings in sight as bungalows
- Property at end of close is 2 storey
- All surrounding properties that overlook Westmead Close (Bacon Lane and Stamford Avenue are 2 storey.

- Proposed dwelling would not be out of place at all.

Other:

- The bulk of the finished project is already part of the existing structure.
- Shorter working hours would extend build period

## **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) Parking
- (v) Community Infrastructure Levy

- (i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

7.3 This proposal has undergone amendments after its initial submission following case officer concerns in regard to the mass and bulk of the proposal and how this would sit within the streetscene. A large depth of flat roof originally proposed to be set at two storey level was deemed out of proportion with the surrounding bungalows resulting in a dominating appearance in a prominent location within the street. The proposal was then amended with these concerns relayed to the applicant and the resulting proposal comprises a much reduced section of flat roof and two storey section visible from the side elevations, the ridge height of the front gable has also been brought down in height to be more in keeping with the gable ends of surrounding bungalows and the original property, with the main body of the dwelling set further back behind this. Other alterations made which are not related to the case officer concerns but rather to make up for some first floor space have been to alter the two originally proposed rear dormers to create one larger rear dormer. This report goes on to consider the amended proposals.

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

7.4 This proposal comprises the demolition of the existing bungalow and a replacement dwelling. The proposed chalet bungalow style property would have an increased footprint from that existing, with an increase in width by approximately 2 metres, setting the building line closer towards the northern boundary. The property would be set no further forward than previously. The proposed dwelling would retain the pitched roof, front facing gable design, however, would then step back up into a barn hip roof encompassing the majority of the width of the plot. The main roof ridge would step up approximately 0.8 metres above the ridge of the front gable, resulting in a total ridge height of approximately 5.8 metres, which is 1 metre higher than the ridge of the existing property. The principal elevation would feature the entrance to an internal garage, with utility room to the rear, the front door leading into the porch and a front window serving a living room to the front.



- 7.5 At first floor level to the front elevation there would be a pitched roof dormer with a casement opening window. There would be a flat roof allowing for a full two storey level with windows either side to the north and south elevations both serving a bedroom and bathroom and to the rear elevation there would be a flat roof dormer with dimensions of approximately 7.8 metres width, 1.7 metres height and 2.4 metres depth. This would feature 3 windows, 2 serving bedrooms and one serving the rear ensuite. In total this proposal would result in 3 bedrooms, a bathroom and ensuite at first floor level.
- 7.6 Towards the rear would be a single storey projection with a flat roof which would form a kitchen/diner, this would include two windows and large bi-folding doors to the rear. To the south (side) elevation there would be a set of doors leading to a store area, accessed via the space retained between the property and the side boundary and two windows, one serving the office and the other serving the front living room.
- 7.7 Proposed materials include render, brickwork and tiles to match the existing property.
- 7.8 As specified above in the 'Principle of Development' section, this proposal has undergone amendments following case officer concerns in regards to mass and bulk and subsequent harm to the character of the area. The reduction in the flat roof area at first floor level is considered to have greatly reduced the overall massing appearance of the property when judged within the context of the street and surrounding bungalow properties. It is deemed the property now retains the appearance of a chalet bungalow rather than a two storey property when viewed from the side. The front gable would be approximately the same dimensions as existing although with some alterations to fenestration, this would mirror that of surrounding properties and therefore would reflect the surrounding pattern of development. Whilst the barn hip roof is significantly different to the existing property, there are examples of properties along Westmead Close which are of a similar style, an example of this being the neighbouring property to the south.
- 7.9 Policy CS16 of the Havant Local Plan states that development should 'use the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors' . Whilst it is noted there are some differences between this proposal with its more modern design, particularly in respect of the materials and window fittings and the surrounding bungalows many of which have retained the traditional style, the general scale and design is not deemed significantly out of keeping with the locality. The bulk of the roof set back behind the front gable is considered to soften the impact on the street and although the increase in main roof ridge height to allow for first floor space would contribute to the prominence of the property - the overall height of the property would remain below that of the ridge height of No.4 adjacent and this is not judged to be harmful to the streetcene.
- 7.10 The proposed rear dormer would not be widely visible from the public realm and is therefore less of an issue in terms of impact on the streetscene. In design terms although it is reasonably large in width, it would be set in from the sides, down from the ridge and up from the eaves and would sit relatively subserviently in the roof slope. The proposed pitched roof front dormer is judged to meet the design guidance as set out in the Havant Design Guide relating specifically to dormers and is considered a modest addition to the roof. There is also another example of dormers to the front roof slope in the Close at No 5.

7.11 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

7.12 To the north of the application site is No. 2 Westmead Close which is a pitched roof bungalow with a flat roof side extension located alongside the side boundary shared with No. 3. There is one window on the side elevation of the main dwelling (i.e. not the extension) towards the front of the property facing back towards the front garden of the application site. The proposed extended width of the new dwelling would result in the building line being brought closer to this side, with a set off distance of approximately 20cms from the common boundary. The side window at No. 2 would not be affected as the building line would be set back behind this. The flat roof element of the proposal would stop just past the rear elevation wall of No. 2 and the rear dormer would evidently result in increased building mass in very close proximity to the side boundary which would be a visible feature from the rear of No. 2. Whilst this may be the case, the property is off set by the flat roof rear extension at No. 2 which extends up to where the rear garage previously was at No. 3 and to the rear garage at No. 2. This is deemed to reduce the impact of the proposal as windows and private outdoor amenity spaces are located away from the side boundary. In addition, there is no breach of the 45 degree line as set out in the Borough Design Guide SPD taken from the closest window which suggests that overshadowing would not be an issue as a result of this proposal. The proposed first floor side window would be obscure glazed to prevent overlooking.

7.13 To the south of the application site is No. 4 Westmead Close which has a pitched roof and front facing gable. The existing property is currently sited very close to this side boundary, with No. 4 also sited along this boundary. To the rear of No. 4 there is a conservatory, the rear of which comes level with the existing rear elevation wall of No. 3. The first floor element of the proposal would not project any further than the main rear elevation wall of No. 4. The proposed single storey rear elevation wall would project approximately 1.2 metres beyond the rear conservatory at No. 4, however, would not breach the 45 degree line. The proposed first floor window would be obscured as it would serve a bathroom. The proposed rear dormer would have views down the garden of the application site.

7.14 To the rear (east) of the application site are the rear gardens of Clarence Cottage and Clarence House located along Stamford Avenue . There would be around 45 metres separation distance back to back which meets the separation guidance as stipulated in the Havant Borough Design Guide SPD.

7.15 Opposite the site to the front (west) is No. 9 Westmead Close. Whilst there would be additional mass from the extended roof, the building line would not be brought forward. There would be approximately 25 metres separation distance between the properties and there is not deemed to be any overshadowing impact. Given these separation distances, which are across the public highway, the proposed dormer to the front elevation is not considered to result in any harmful direct overlooking.

7.16 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted that representations have been received, raising concerns about the potential noise and

disturbance that may be caused to neighbouring properties as a result of the development. It is acknowledged that construction activity can cause disruption to adjoining properties, however, this is not a material planning consideration. Any blocking of accesses would be a civil matter between the parties involved; any undue noise and disturbance would be a matter controlled under separate Environmental Health legislation. Informatives are proposed to highlight key Environmental Health issues.

(iv) Parking

7.17 This proposal would result in a property with 3 bedrooms which would mean a reduction in bedroom number by one from the existing property which currently has 4 bedrooms. The Havant Parking SPD requires 2 parking spaces on site for a property with this bedroom number. This could be accounted for towards the front of the site as existing.

(v) Community Infrastructure Levy

7.18 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 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre on new floorspace (measured as gross internal area) plus indexing. It is considered that this proposal is CIL liable on new floor space of approximately 109 m<sup>2</sup> however, the applicant has submitted self build exemption on this.

## 8 Conclusion

8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the character of the locality and on neighbouring amenity and is therefore considered to be appropriate and recommended for approval.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00075

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:

PL001 REV B Amended location and block plans uploaded on the 11.05.2021

20069-PL-005 REV B Amended proposed elevations uploaded on the 17.05.2021

PL006 REV B Indicative streetscene uploaded on the 11.05.2021

PL007 Indicative section uploaded on the 11.05.2021

Amended proposed plans (floor plans) uploaded on the 17.05.2021

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

- 3 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the bedroom and bathroom windows in the first floor on the side elevations facing north and south shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally 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 in the Conservation Area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

## Appendices

Appendix A – Location and Block Plan

Appendix B – Existing Elevations

Appendix C – Proposed Elevations

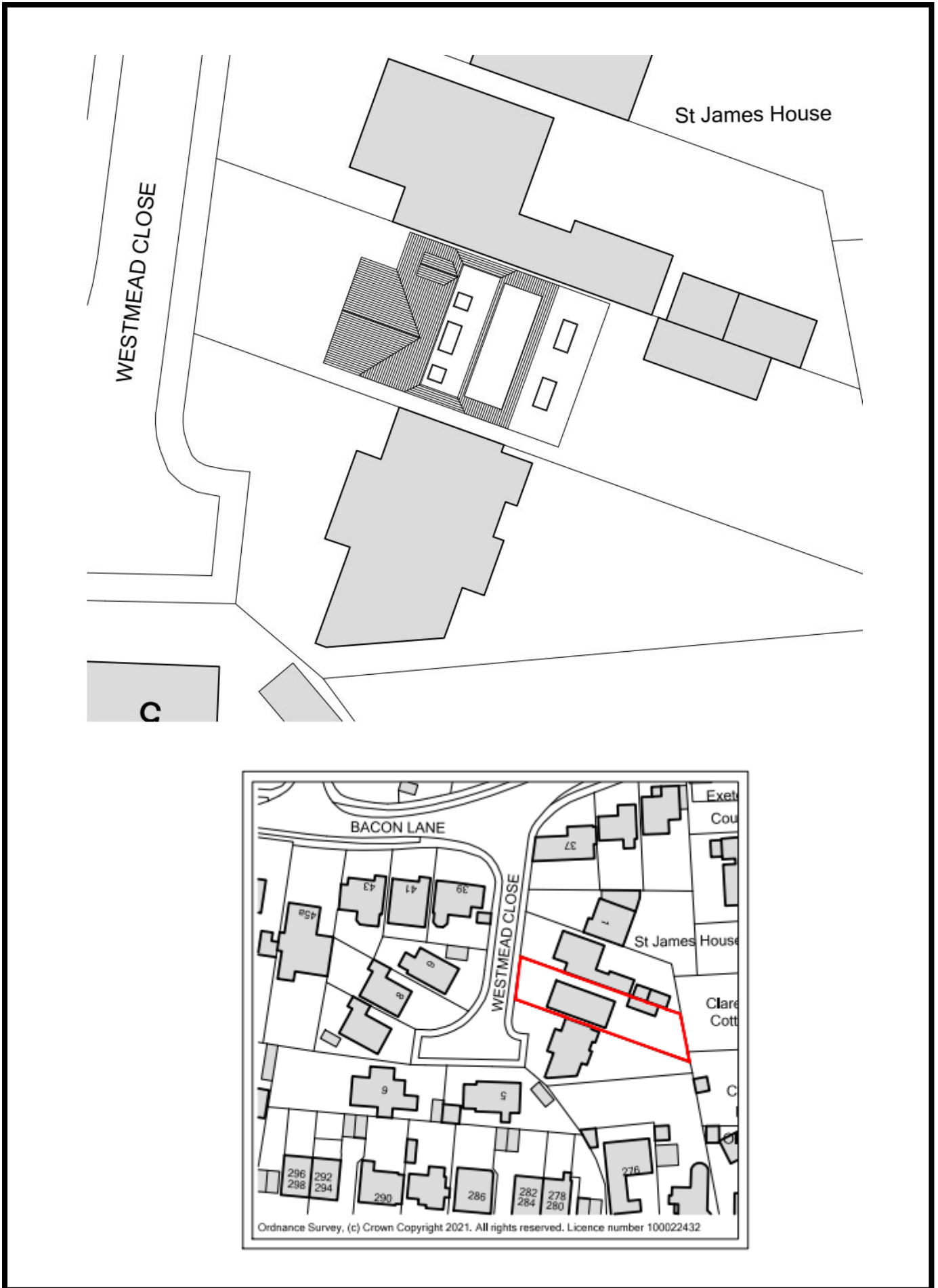
Appendix D – Proposed Floor Plans

Appendix E – Existing and Proposed Street Scene

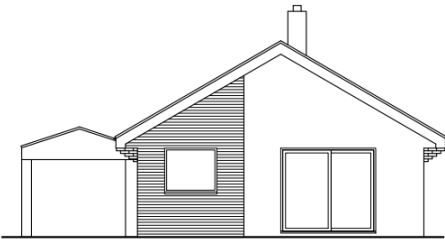
Appendix F – Indicative Section

Appendix G – Photograph of Front Elevation

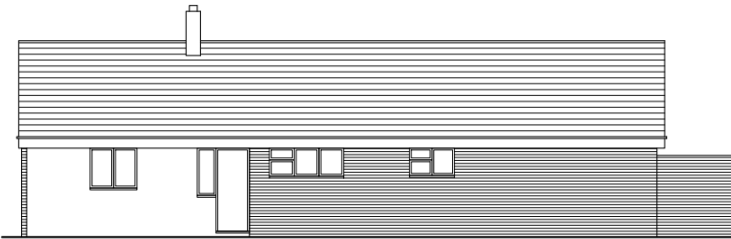
Appendix H – Photograph of Rear Elevation



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EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



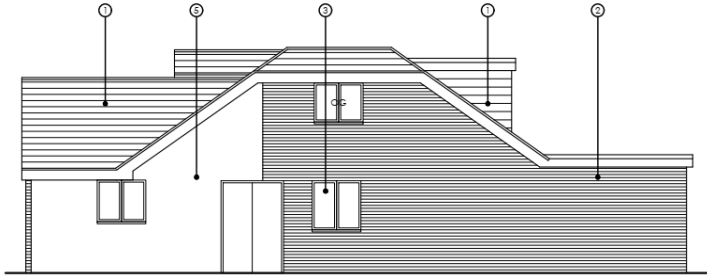
EXISTING NORTH ELEVATION

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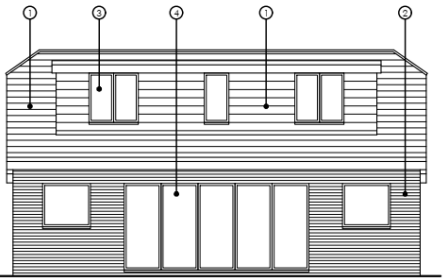




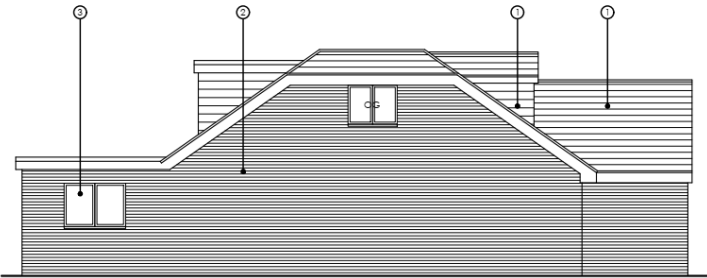
PROPOSED WEST ELEVATION



PROPOSED SOUTH ELEVATION

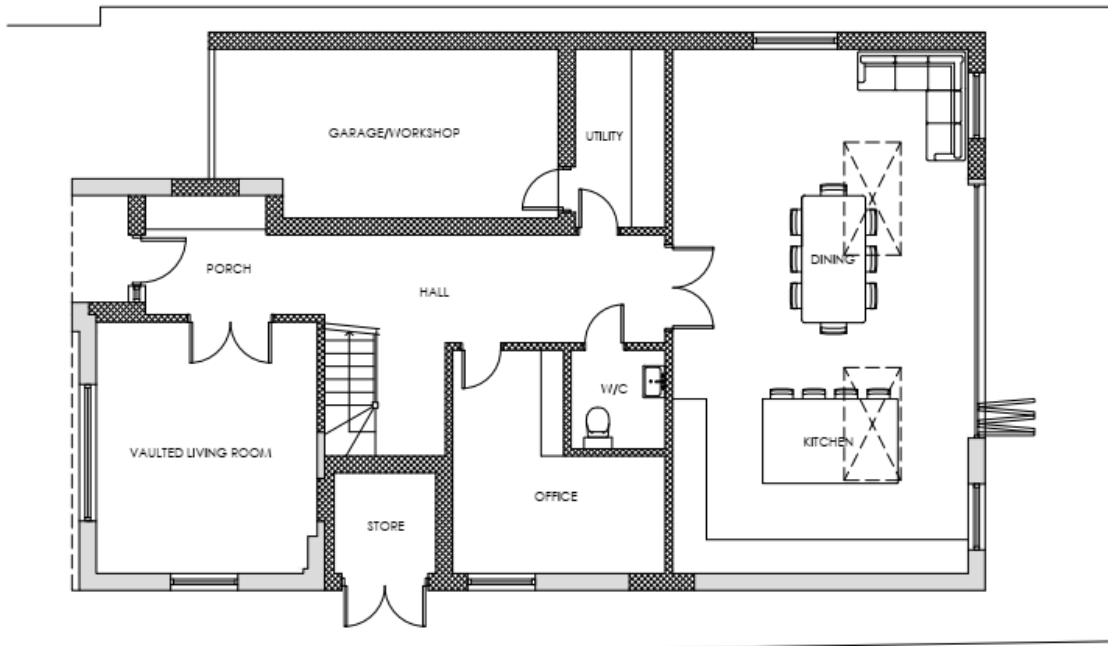


PROPOSED EAST ELEVATION

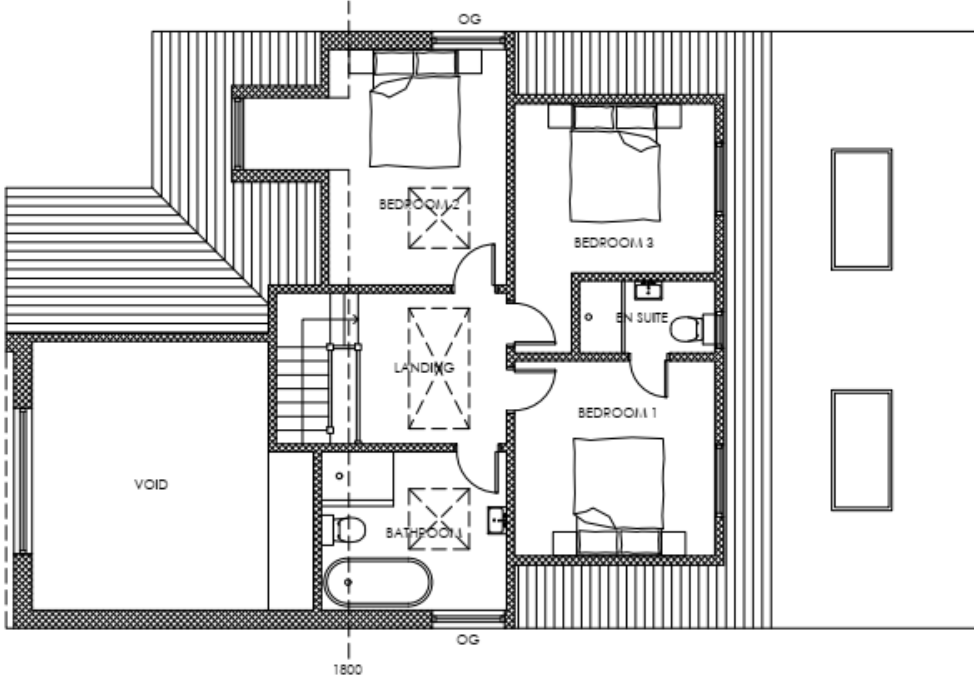


PROPOSED NORTH ELEVATION

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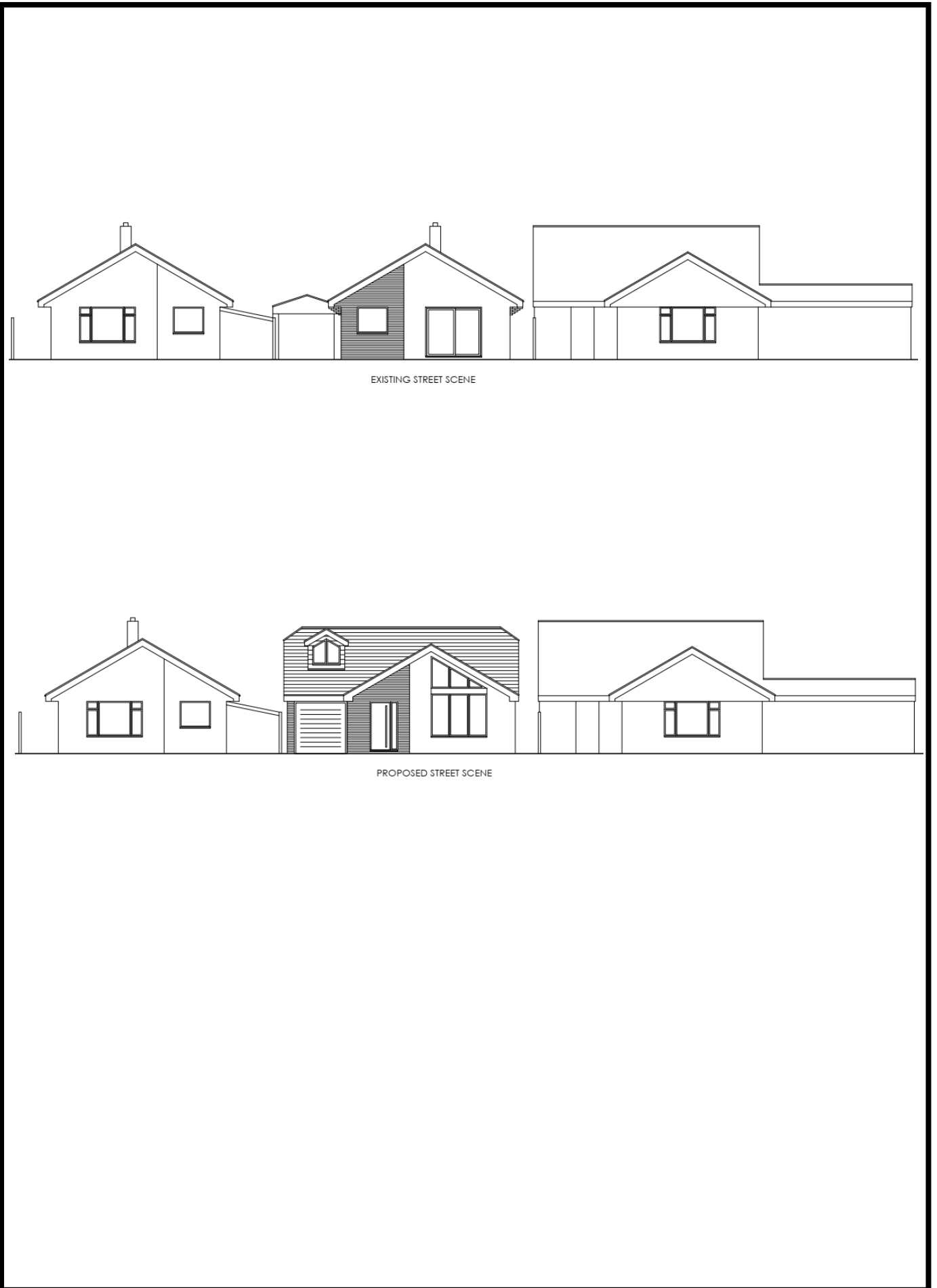


PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

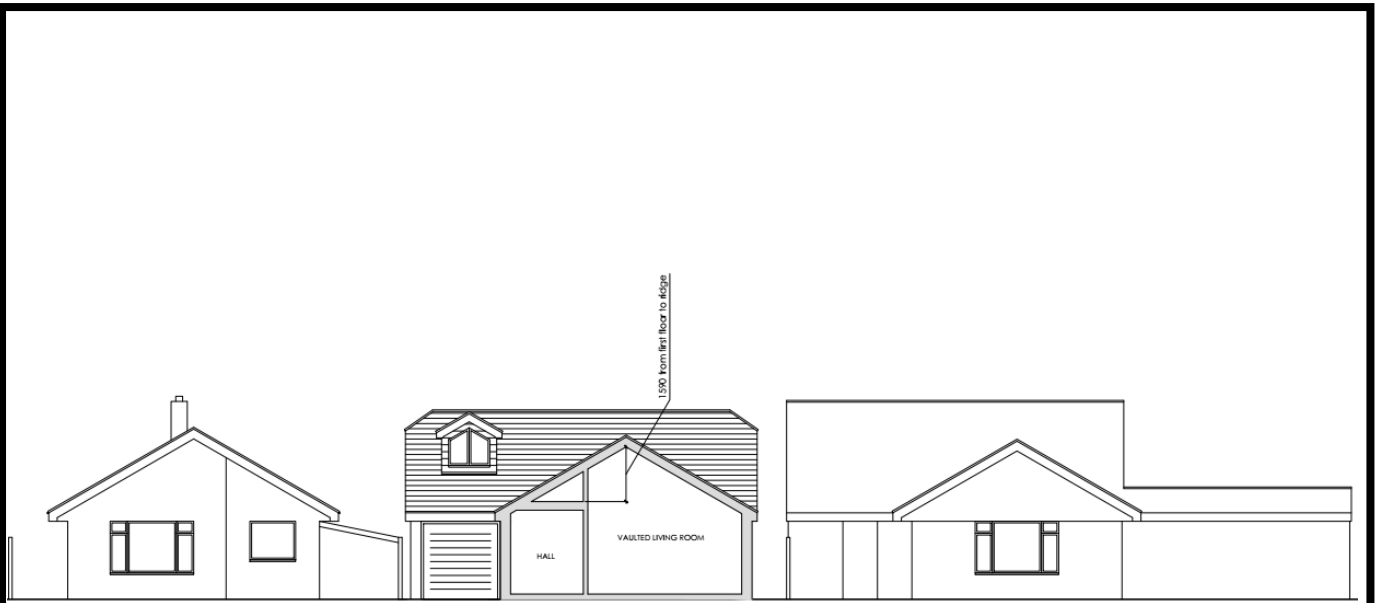
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EXISTING STREET SCENE

PROPOSED STREET SCENE

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INDICATIVE SECTION

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Site Address:	33 Victoria Avenue, Hayling Island, PO11 9AJ		
Proposal:	Single storey rear extension.		
Application No:	APP/21/00264	Expiry Date:	28/04/2021
Applicant:	Ms Satchwell		
Agent:	Mr Walker	Case Officer:	Joseph Toole
	Parkers Design		
Ward:	Hayling West		

Reason for Committee Consideration: Applicant related to Councillor

HPS Recommendation: **GRANT PERMISSION**

---

## **Executive Summary**

The proposed development would involve a single storey rear extension. Due to the proposed development being located to the rear of the property it is considered to have a limited impact upon the street scene. Furthermore, the proposed extension would appear subservient to the host dwelling being of appropriate size to the plot and the retained amenity space. Therefore, it is considered to be in keeping with the character of the area.

The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable. It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

It is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear.

There is a TPO tree within the neighbouring property at No.35 Victoria Avenue close to the shared boundary. Information has been provided showing the tree would not be affected by the proposed works here. Furthermore, the Council's Arboriculturalist was consulted on the application and raised no objection.

In conclusion, the scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.

## **1 Site Description**

- 1.1 33 Victoria Avenue, Hayling Island, is located to the north of Victoria Avenue. The application site is a detached two storey property comprising brown brick and concrete roof tiles. Vehicular access is from Victoria Avenue with parking to the front.
- 1.2 The property is located within a residential area with surrounding properties of different style and design.

## **2 Planning History**

00/65870/000 - Single storey rear extension and extension of existing front dormer incorporating small balcony with ballustrade., PERM,05/02/2001

05/65870/001 - Amendment to previously approved planning application 00/65870/000 to show internal alteration and extension to garage at front., PERM,06/10/2005

APP/14/00085 - First floor front extension over existing garage. , PERM,25/03/2014

APP/14/00566 - Discharge of Condition No. 4 of Planning Permission APP/14/00085., PERM,11/06/2014

## **3 Proposal**

Single storey rear extension.

## **4 Policy Considerations**

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## **5 Statutory and Non Statutory Consultations**

**Councillor Clare Satchwell - Hayling East**

No Comment.

**Councillor I Scott Hayling West**

No Comment.

**Councillor Joanne Thomas**

No Comment.

**Arboriculturalist**

Based on the information provided there is no objection from Arb and no conditions required.

## **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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

<b>Comment</b>	<b>Officer Comment</b>
Noise concerns hearing telephone conversations, plates being washed up, entertaining	Please see Section 7.
Smell of bbq fumes	
Negative impact on tree to the west	
Overlooking concerns	

## **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) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Trees

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

7.3 The proposed development would involve a single storey rear extension. It would have a width of approximately 6.1 metres, a depth of approximately 2.4 metres with a pitched roof having a maximum height of approximately 3 metres.

7.4 The proposed extension would have brickwork to match the existing property with a zinc or similar finish roof. This is considered to be in keeping with the context of the main dwellinghouse.

7.5 Due to the proposed development being located to the rear of the property it is considered to have a limited impact upon the street scene. Furthermore, the proposed extension would appear subservient to the host dwelling being of appropriate size to the plot and the retained amenity space. Therefore, it is considered to be in keeping with the character of the area.

7.6 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.7 The proposed extension would have bi-folding doors on the west side. Any views would be screened from No.31 to the west by the existing 1.8 metre high fencing therefore it is not considered to cause harmful overlooking. Furthermore the proposed extension would be offset from the shared boundary with No.31 Victoria Avenue by approximately 4 metres thus it is not considered to appear overbearing or result in the harmful loss of light to the neighbouring property.
- 7.8 On the east side there would be no side windows in the proposed extension. It would be offset from the shared boundary with No.35 Victoria Avenue in line with the existing dwelling and screened by the existing 1.8 metre high fencing with hedging. The proposed extension is not considered to appear overbearing or result in the loss of light to No.35 Victoria Avenue.
- 7.9 To the south there would be bi-folding doors facing the rear garden. Due to the modest scale and location of the extension in line with the existing dwelling, coupled with the existing boundary screening it is not considered to cause harmful overlooking to any of the surrounding neighbouring properties. In terms of noise and smell concerns the addition of an extension to an existing property is considered to be appropriate to the context of a residential area and is not considered likely to cause adverse harm to surrounding properties. Any noise or smell issues arising from the property, either before or after the extension has been constructed, would be a matter for separate Environmental Health legislation.
- 7.10 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Trees

- 7.11 There is a TPO tree within the neighbouring property at No.35 Victoria Avenue close to the shared boundary. Information has been provided showing the tree would not be affected by the proposed works here. Furthermore, the Council's Arboriculturalist was consulted on the application and raised no objection.

## **8 Conclusion**

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the character of the area, the neighbouring properties and protected trees and is therefore considered to be appropriate and recommended for approval.

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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00264

- 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:

Location Plan  
Block Plan  
Existing and Proposed Ground Floor Plans - P100A  
Existing and Proposed Site Plan - P102  
Existing and Proposed North and South Elevations - P103  
Existing and Proposed East and West Elevations - P104  
Existing and Proposed 3D Plans - P105

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

- 3 The external materials used 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.

**Appendices:**

- (A) Location Plan
- (B) Block Plan
- (C) Existing and Proposed Ground Floor Plans
- (D) Existing and Proposed Site Plan
- (E) Existing and Proposed North and South Elevations
- (F) Existing and Proposed East and West Elevations

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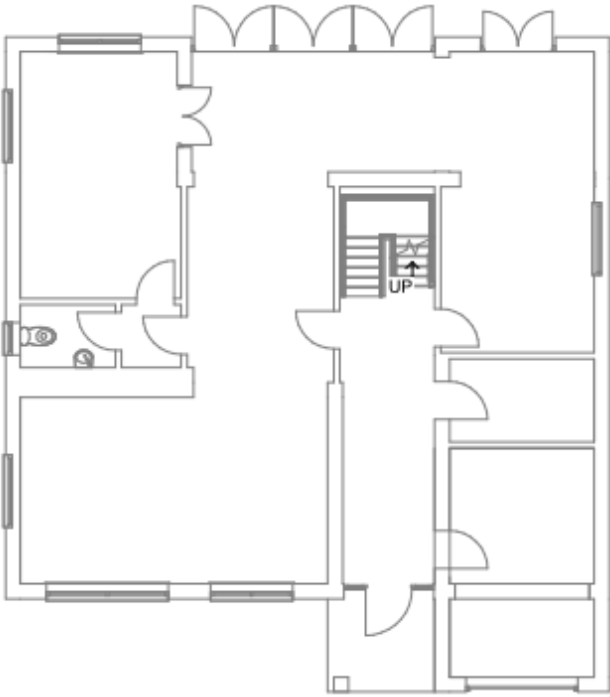
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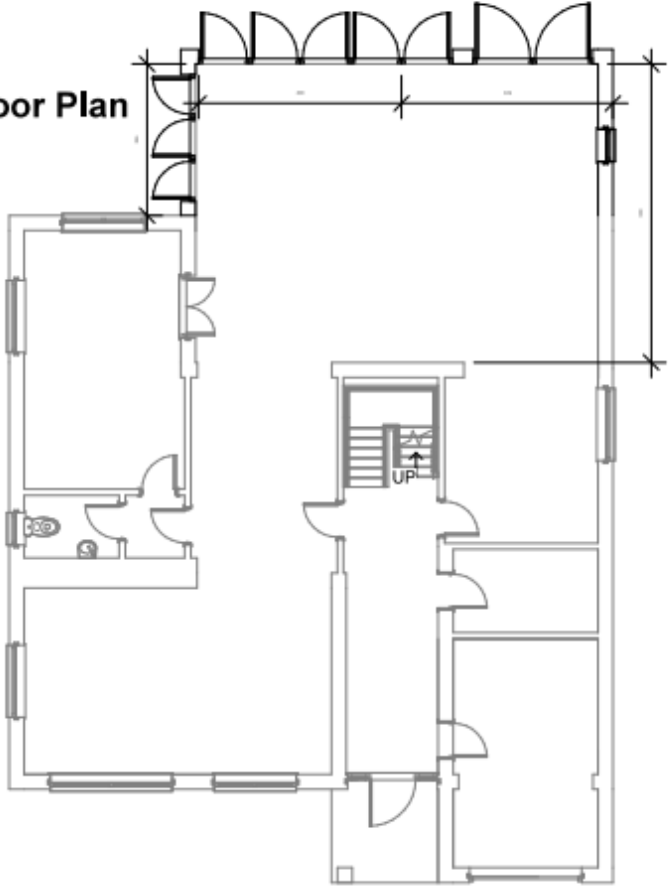
Existing  
Ground Floor Plan

② Ground E  
1 : 100



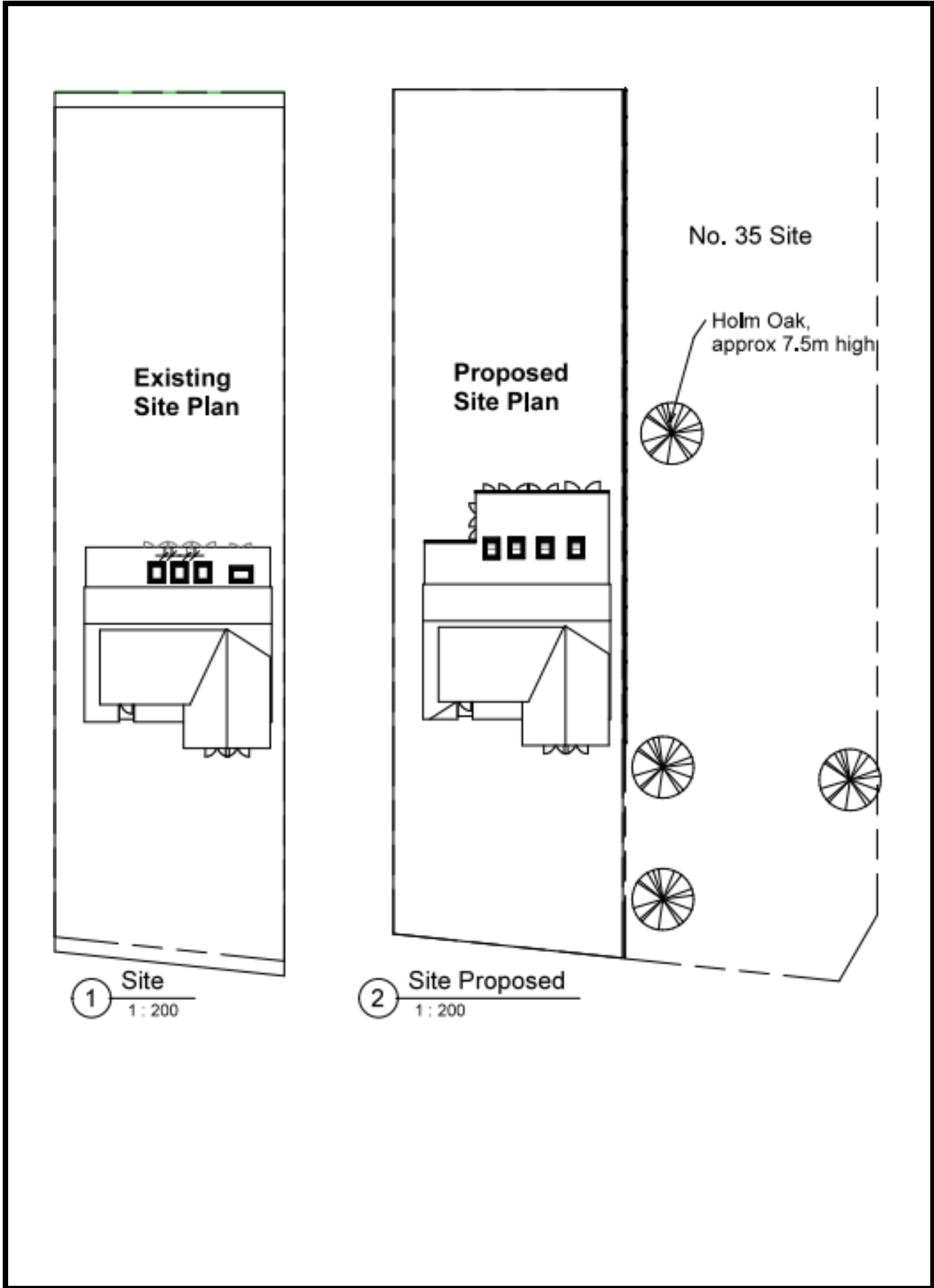
Proposed  
Ground Floor Plan

① Ground  
1 : 100



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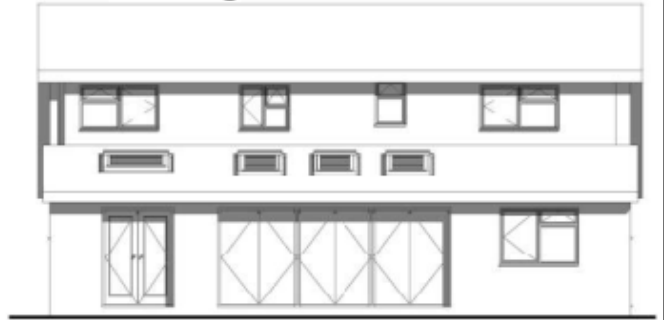


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**North Elevations  
Proposed**



**North Elevations  
Existing**



**South Elevations  
Existing**



**South Elevations  
Proposed**



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① West  
1 : 200



② East  
1 : 200

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Site Address: Hayling Billy Trail - 3 sites at 1. Mill Lane, Langstone; 2. North Holt (Car Park), Victoria Road, Hayling Island and 3. Former South Hayling Station site Adjacent to Station Theatre, Hayling Island

Proposal: Display of 3No. non-illuminated Heritage Trail signs with former station names 3 sites at: 1. Mill Lane, Langstone; 2. North Halt (Car Park), Victoria Road, Hayling Island and; 3. Former South Hayling Station site Adjacent to Station Theatre, Hayling Island.

Application No: APP/21/00199

Expiry Date: 26/04/2021

Applicant: Mr J Hobson

Agent: Steve Mountain  
Havant Borough Council

Case Officer: Joseph Toole

Ward: St Faiths

Reason for Committee Consideration: Application submitted by Havant Borough Council on behalf of Hampshire County Council, in part on Havant Borough Council land

HPS Recommendation: **GRANT ADVERTISEMENT CONSENT**

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## Executive Summary

The proposed development would involve the erection of three signs which would mark the locations of former stations at Langston, North Hayling Halt and South Hayling. The first sign would be located along Mill Lane, Langston, the second would be at North Halt car park, Victoria Road, Hayling Island and the third would be at former South Hayling Station adjacent to Station Theatre, Hayling Island.

The proposed design, size and positions of the signs are considered to be acceptable. These signs are considered to preserve the heritage of the former stations and provide a form of attraction to the community and tourists alike.

It is considered the proposal will not have an adverse effect on the visual amenity of the immediate locality. Due to the locations of the signs it is not considered to have a negative impact upon highway safety and residential amenity.

A number of statutory bodies have been consulted on this application raising no objections.

In conclusion, the proposed signs are considered to be acceptable and the application is therefore recommended for advertisement consent.

## **1 Site Description**

1.1 The application site in this case comprises three separate locations adjacent to the Hayling Billy Heritage Trail which runs from the centre of Havant down to South Hayling.

1.2 The first location is on land in the ownership of Havant Borough Council, immediately south of the junction of the Trail with Mill Lane in Langstone. This site lies within the Mill Lane Conservation Area.

1.3 The second location is in a grass verge at the east side of the track where it forms part of a car parking area at North Hayling Halt.

1.4 The third location is at the southern terminus of the Trail in South Hayling, and is on a grassed area to the north of the existing gated access to the Trail, on land owned by Havant Borough Council. The sign will be adjacent to the Station Theatre which is the former locomotive shed at the southern terminus of the Hayling Billy.

## **2 Planning History**

97/62821/000 - Proposed improvements to existing trail to form cycleway for joint use by cyclists and pedestrians, PERM,22/01/1998

## **3 Proposal**

An application for advertisement consent for the display of 3No. non-illuminated Heritage Trail signs with former station names at: 1. Mill Lane, Langstone; 2. North Hayling Halt (Car Park), Victoria Road, Hayling Island; and 3. Former South Hayling Station site Adjacent to Station Theatre, Hayling Island.

## **4 Policy Considerations**

National Planning Policy Framework

The Town and Country Planning (Control of Advertisements) Regulations 2007

Havant Borough Local Plan (Core Strategy) March 2011

CS5 (Tourism)  
CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

Havant Borough Local Plan (Allocations) July 2014

DM21 (Shopfronts, Signs, Security Shutters and Advertisements)

Listed Building Grade: Not applicable.

Conservation Area: Mill Lane (Langstone) – sign 1 only

## **5 Statutory and Non Statutory Consultations**

### **Conservation Officer**

No Comment.

### **Councillor Clare Satchwell - Hayling East**

No Comment.

### **Councillor D Guest - St Faith's**

No Comment.

### **Councillor I Scott Hayling West**

No Comment.



**Councillor J Branson - St Faiths**

No Comment.

**Councillor Joanne Thomas**

No Comment.

**Councillor T Pike - St Faith's**

No Comment.

**County Ecologist**

No Comment.

**Developer Services, Southern Water**

Southern Water shall have no objections to the above proposal.

**Environment Agency**

No Comment.

**Langstone Harbour Board**

The Board's Planning Sub Committee has considered this application and wish to **support** the proposals for Heritage Trail Signs along the Hayling Billy trail. The committee believe these will significantly improve the tourist experience around the harbour and encourage understanding of the historical use of the eastern shore.

**Natural England Government Team**

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**Property Services Manager**

No Comment.

**6 Community Involvement**

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

Number of neighbour notification letters sent: 14

Number of site notices: Three

Statutory advertisement: Not applicable.

Number of representations received: 1

<b>Comment</b>	<b>Officer Comment</b>
<p>Increasing the signage will only promote further traffic into an already overcrowded car park, especially since the closure of the Esso garage car park.</p> <p>Furthermore, the only access road to the Billy Trail is, according to HBC, unadopted and remains in a very dangerous condition to pedestrians and cyclists. It should be noted that HBC, in this application, refers to this road as 'Victoria Road' and yet will not accept responsibility for any maintenance or safety. Refer to Councillor Quantrill for indepth details.</p>	<p>The proposed signage merely marks the location of a former station at North Hayling Halt, and would not affect car parking capacity. In itself it is not considered to increase traffic to the site.</p> <p>This is not a material planning consideration.</p>

## **7 Planning Considerations**

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

- (i) Visual amenity
- (ii) Highway safety
- (iii) Effect upon residential amenity

(i) Visual amenity

7.2 The proposed development would involve the erection of three signs which would mark the locations of former stations at Langston, North Hayling Halt and South Hayling. The first sign would be located along Mill Lane, Langstone, the second would be at North Hayling Halt car park, Victoria Road, Hayling Island and the third would be at the former South Hayling Station adjacent to Station Theatre, Hayling Island.

7.3 The signs would be erected on two 1.2m high, 150mm square timber posts. They would measure 2450mm x 410mm and are designed as a replica of the Southern Railway signs that were in place at each station before the line closed in 1963. All sites are currently open space adjacent to the Billy Trail route and subject to unhindered public access. All the signs whether on County owned land or on land owned by Havant Borough Council, will be maintained by Hampshire County Council's Countryside Service. The signs on Havant Borough Council land will be supported by a license from Havant granted to Hampshire County Council.

- 7.4 The first sign would be erected on land in the ownership of Havant Borough Council, immediately south of the junction of the Trail with Mill Lane. The station ('Langston') is spelled as it was in the railway's operational life. This sign lies within the Mill Lane Conservation Area, and in such a location there is a general duty on the Local Planning Authority, as set out under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to give special attention to the desirability of preserving or enhancing the character or appearance of that area. In this case the modest size of the sign, coupled with its 'heritage' design and interpretive nature, is considered to preserve the character of the Conservation Area.
- 7.5 The second sign would be erected in a grass verge at the east side of the track which forms the Hayling Billy Trail as it runs through the North Hayling Halt public car park. It is considered due to its positioning it would not impact the use of the car park, whilst with other items of street furniture in evidence it would also not adversely affect the character of this location.
- 7.6 The third sign would be erected on a grassed area to the north of the existing gated access to the Billy Trail, on land owned by Havant Borough Council. The sign would be adjacent to the Station Theatre which is the former locomotive shed at the southern terminus of the Hayling Billy, and in such a location it is considered to have an appropriate character and appearance.
- 7.7 Taken together, the proposed designs, sizes and positions of the signs are considered to be acceptable. These signs are considered to preserve the heritage of the former stations and provide a form of attraction to the community and tourists alike. It is deemed the proposal meets the requirements of Policies CS5 and CS11 of the HBLP (Core Strategy), as well as preserving the character of the Conservation Area affected by the proposal.
- 7.8 It is therefore considered the proposal will not have an adverse effect on the visual amenity of the immediate locality. It is considered the proposal covers the requirements of policy DM21 of the HBLP (Allocations).

(ii) Highway safety

- 7.7 Due to the locations of the signs within existing grass verges they are not considered to have a negative impact upon highway safety, nor the safety of users of the Hayling Billy Trail.

(iii) Effect on residential amenity

- 7.8 The signs are of a modest scale and are non-illuminated. They each lie some distance away from the nearest residential properties, and as such are considered not to have a negative impact upon residential amenity.

## **8. Conclusion**

- 8.1 The proposed signs are considered to be acceptable and the application is therefore recommended for advertisement consent.

## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT ADVERTISEMENT CONSENT** for application APP/21/00199 subject to the following condition:

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

Red Line Plan  
Design and Access Statement

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

### **Appendices:**

- (A) Red line plan (Location Plan)
- (B) Design and Access Statement

## RED LINE PLANS

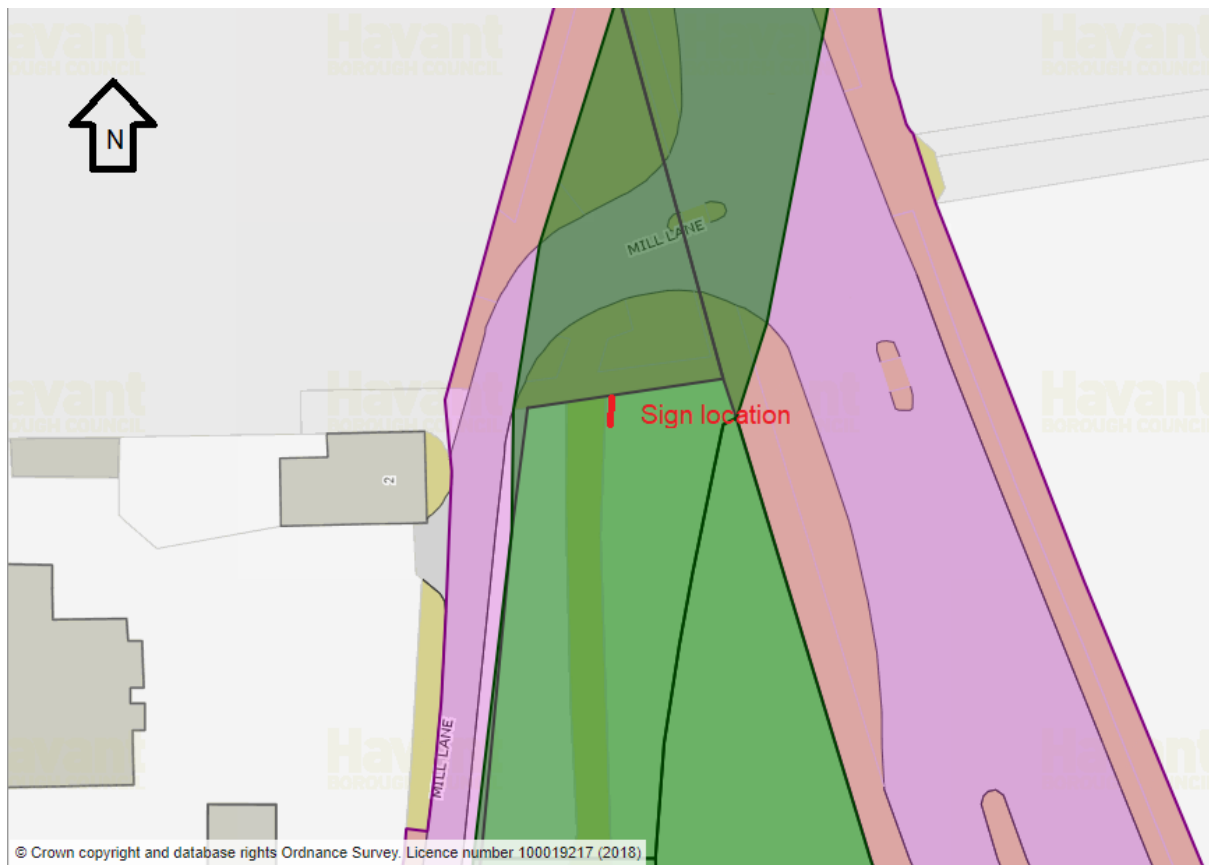
## HAYLING BILLY HERITAGE TRAIL

## ERECTION OF THREE NR. HERITAGE STATION SIGNS

Signs will be erected at three locations to mark the position of former stations on the Hayling Billy Trail.

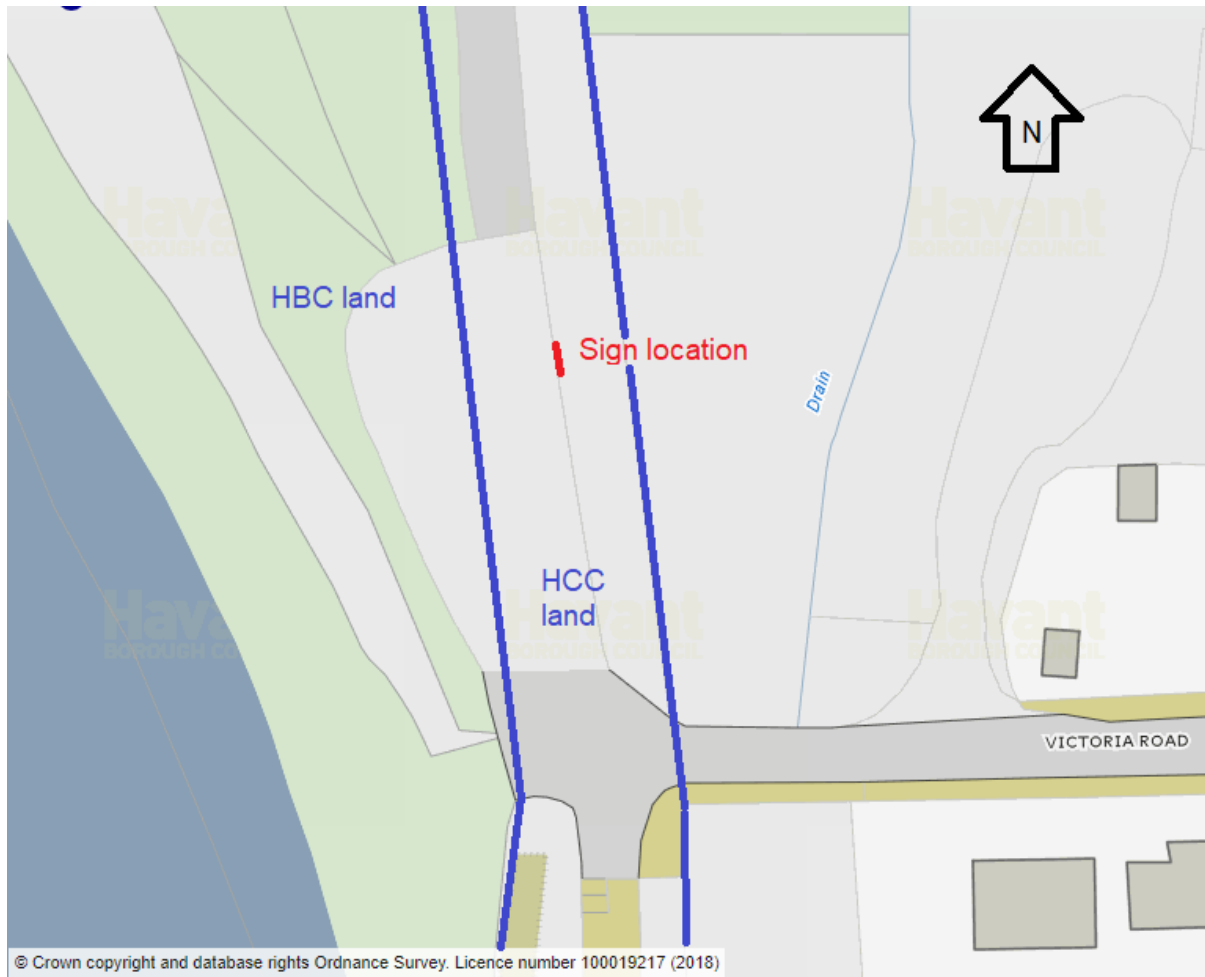
## LANGSTON

The sign will be erected on land in the ownership of Havant Borough Council, immediately south of the starting point of the Trail leading towards Mill Lane. There is no land owned by the applicant in the vicinity, although under its function as local highway authority the County Council manages the roads and paths indicated in pink on the plan below. Havant land is shown in green. The application site is shown in red.



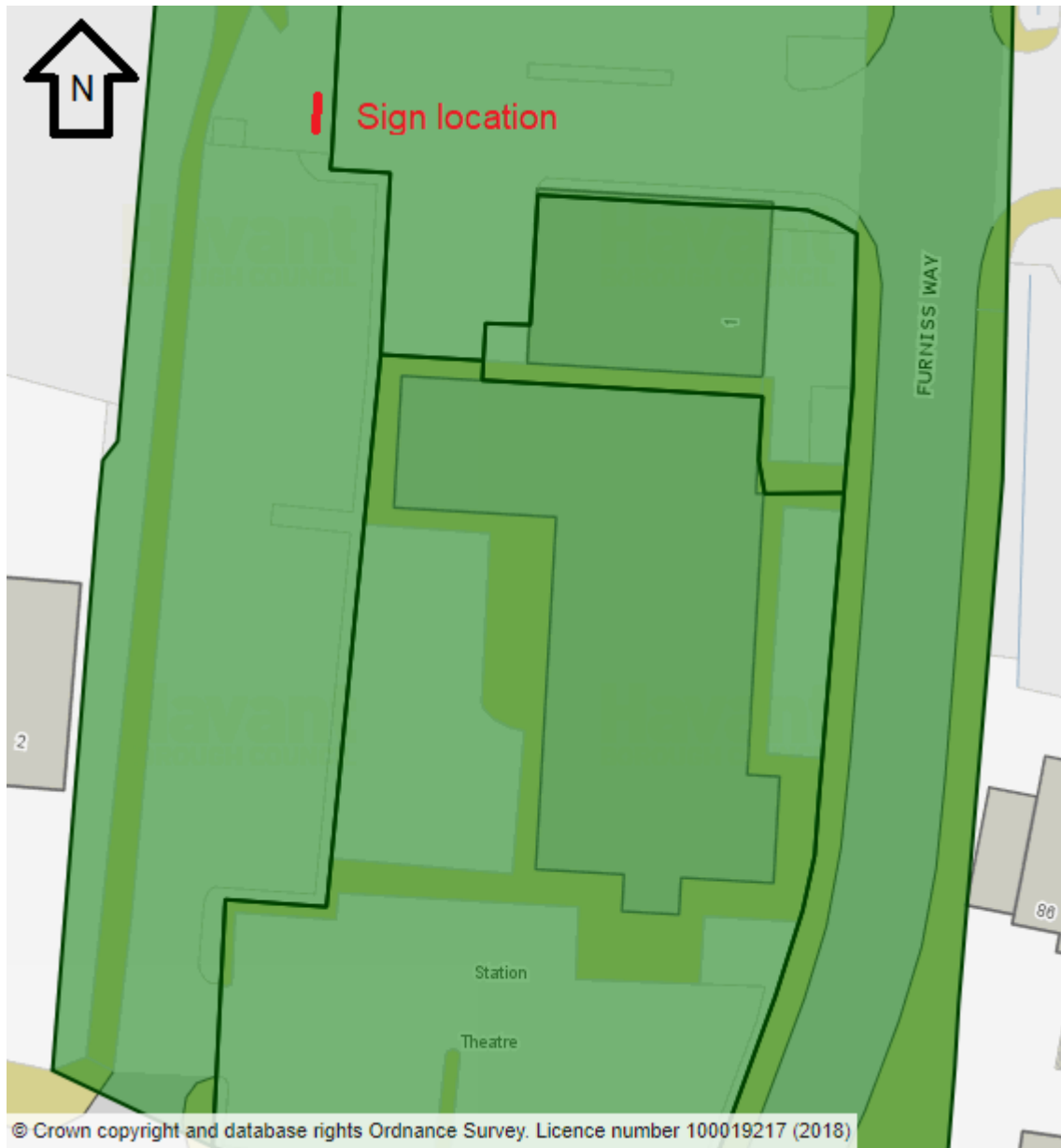
## NORTH HAYLING HALT

The sign is to be erected in grass verge at the east side of the track which forms the Hayling Billy Trail. At this point the Trail forms part of a car parking area. The sign will be erected on land in the ownership of Hampshire County Council, shown with a blue border below. The application site is shown in red.



## SOUTH HAYLING

The sign will be erected on land in the ownership of Havant Borough Council, immediately north of the starting point of the Trail leading away from Station Road and adjacent to the Station Theatre. There is no land owned by the applicant in the vicinity. Havant land is shown in green. The application site is shown in red. The sign will be erected on a grassed area to the north of the existing gated access to the Billy Trail.



The signs on Havant Borough Council land will be supported by a licence from Havant granted to Hampshire County Council.

Prepared by S Mountain  
Civil Engineering Team Leader  
17/02/2021

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## DESIGN AND ACCESS STATEMENT

## HAYLING BILLY HERITAGE TRAIL

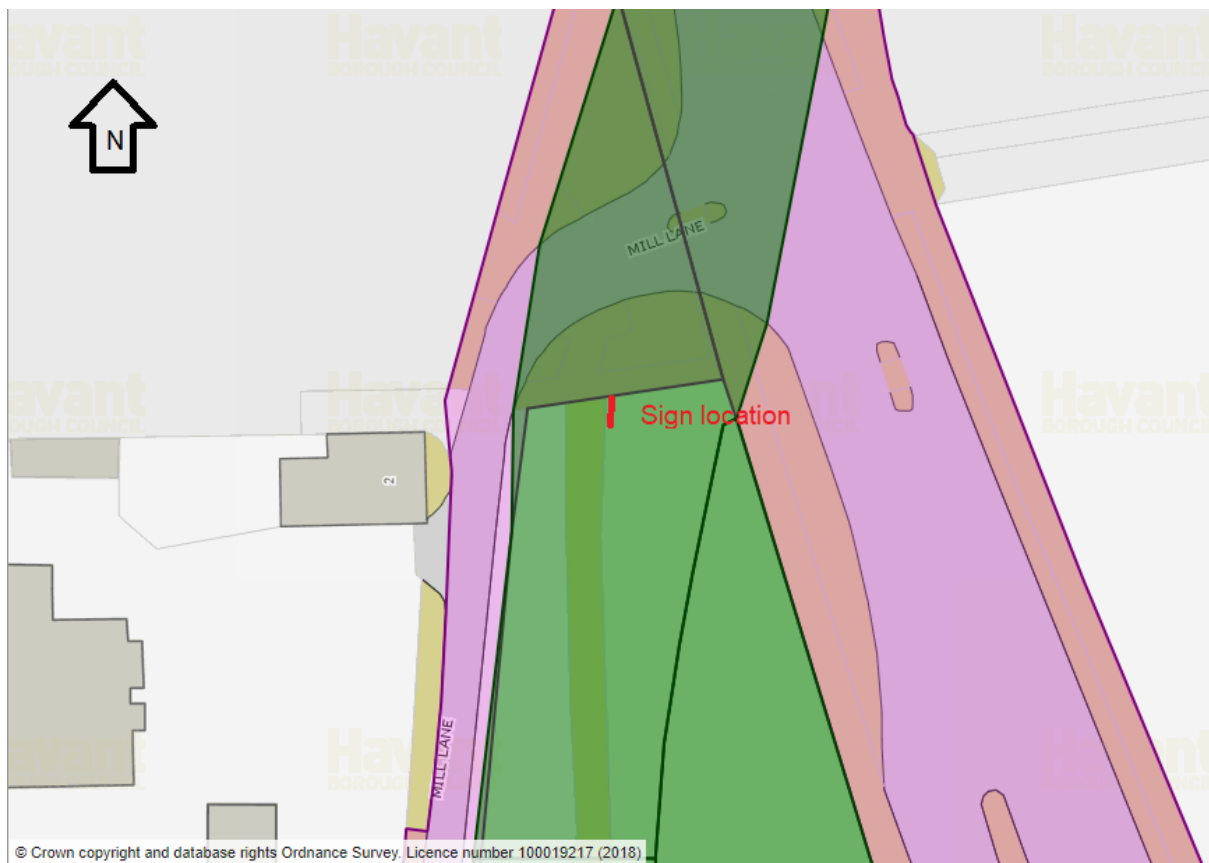
## ERECTION OF THREE NR. HERITAGE STATION SIGNS

The siting of the signs will mark the locations of former stations at Langston, North Hayling Halt and South Hayling.

Each sign will be erected on two 150mm square timber posts in areas currently laid to open space verge. Each sign measures 2450mm x 410mm and is designed as a replica of the Southern Railway signs that were in place at each station before the line closed in 1963. All sites are currently open space adjacent to the Billy Trail route, and subject to unhindered public access.

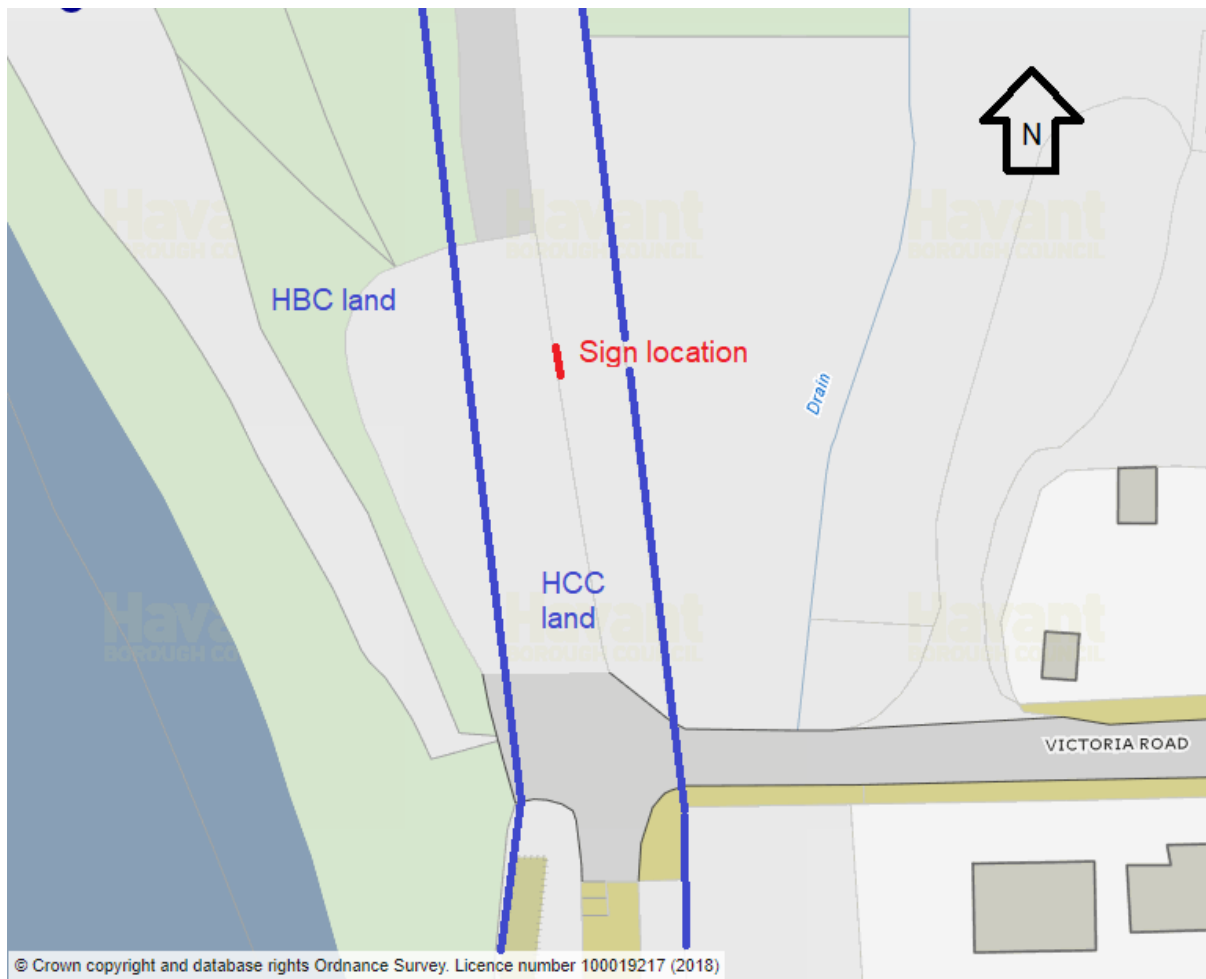
## LANGSTON

The sign will be erected on land in the ownership of Havant Borough Council, immediately south of the starting point of the Trail leading towards Mill Lane. The station is spelled as it was in the railway's operational life.



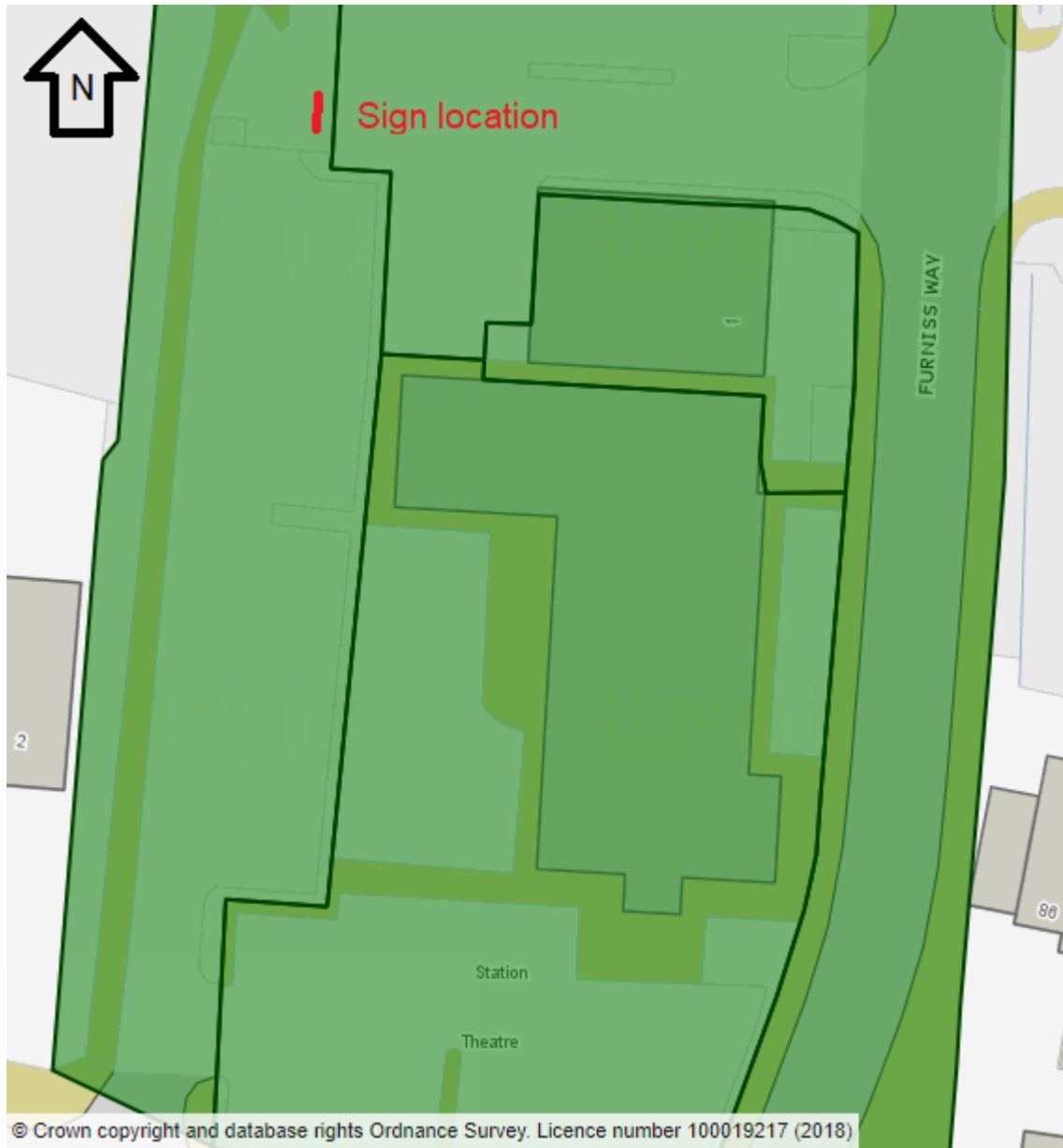
## NORTH HAYLING HALT

The sign is to be erected in grass verge at the east side of the track which forms the Hayling Billy Trail. At this point the Trail forms part of a car parking area but the sign will not impact on this use.



## SOUTH HAYLING

The sign will be erected on a grassed area to the north of the existing gated access to the Billy Trail, on land owned by Havant Borough Council. The sign will be adjacent to the Station Theatre which is the former locomotive shed at the southern terminus of the Hayling Billy.





#### ALL SIGNS

All signs whether on County owned land or on land owned by Havant Borough Council, will be maintained by Hampshire County Council's Countryside Service.

The signs on Havant Borough Council land will be supported by a licence from Havant granted to Hampshire County Council.

Prepared by S Mountain  
Civil Engineering Team Leader  
17/02/2021

## HAVANT BOROUGH COUNCIL

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Planning Committee

27 May 2021

### REPORT TITLE: APPOINTMENT OF SITE VIEWING WORKING PARTY

Report by the Democratic Services Officer

---

#### 1.0 PURPOSE OF REPORT

- 1.1 To consider the appointment of a Site Viewing Working Party with the terms of reference set out below.

#### 2.0 RECOMMENDATION

- (a) that the Site Viewing Working Party be constituted with the terms of reference set out in paragraph 3.1 of the report;
- (b) Members of the Planning Committee (including standing deputies) be appointed to the Working Party referred to in (a) above; and
- (c) members appointed to the Working Party referred to in (a) above continue to be members and constitute that Working Party until the first meeting of the Committee after the annual meeting of the Council subject to the members concerned remaining members of the Council during that time.

#### 3.0 SUMMARY

##### 3.1 Terms of Reference

Title:	Site Viewing Working Party
Membership:	All members (including standing deputies) of the Planning Committee
Chairman:	Chairman of the Planning Committee.
Function:	To inspect sites relating to planning applications, Tree Preservation Orders and other matters referred to it by the Planning Committee and officers and request additional information if necessary.

#### 4.0 IMPLICATIONS

- 4.1 **Resources:** Financial provision for site visits has been made in the budget
- 4.2 **Legal:** No specific Issues

- 4.3 **Strategy:** It is essential that the Council has input and considers matters of importance in a timely fashion. The Site Viewing Working Party enables thorough consideration of such matters.
- 4.4 **Risks:** Health and Safety Risk Assessment has been undertaken.
- 4.5 **Communications:** Not Applicable
- 4.6 **For the Community:** None directly from this report
- 4.7 **The Integrated Impact Assessment (IIA) has been completed and concluded the following:** Not Applicable

**Appendices: None**

**Background papers: None**

**Contact Officer:** Mark Gregory, Democratic Services Officer  
Tel: 023 92 446232  
Email: mark.gregory@havant.gov.uk