

This is the original consent which allowed for demolition of the original property. There were no pre-demolition planning conditions attached to this permission.

02/61610/001 - Outline application for demolition of existing dwelling and construction of a 4 bed detached dwelling with attached garage (re-submission of 97/61610/000)., PERMITTED, 02/04/2002

Planning permission was granted subject to the following conditions:

- Outline application time limit
- Reserved Matters time limit
- Materials
- Provision of 3 parking spaces
- Removal of Permitted Development for additional windows/doors or other openings (first floor, east and west elevations).

07/61610/002 - Outline application for construction of 1 No. 4 bedroom detached house with attached garage and new access to St. Peters Avenue. , REFUSED , 25/07/2007

Planning Permission was refused for the following reason:

1 The proposal is contrary to policies and proposals C1, C2 and H10 of the Hampshire County Structure Plan 1996-2011 (Review) and C1 of the Havant Borough District Wide Local Plan 1996-2011 in that it represents the development of a dwelling in an area of countryside which does not replace an existing dwelling on the site, and for which there is no overriding justification.

07/61610/003 - New dwelling to replace bungalow demolished under Planning Permission 97/61610/000., PERMITTED, 19/12/2007

This full planning application was approved subject to the following conditions:

- Full Permission time limit (expired 19th December 2010)
- Materials
- Levels
- Soft Landscaping
- Permitted Development Rights removed (Alterations to Roof)
- Permitted Development Rights removed (no additional doors, windows or other openings within east or west elevations).
- Hours of work
- Provision of 2 parking spaces
- Access provision

It is noted that this application was considered at the Councils Development Management Committee on 13th December 2007 where the Officer recommendation to refuse planning permission for the following reason was overturned:

1. The proposal is contrary to policy C1 of the Havant Borough District Wide Local Plan 1996-2011 in that it represents the development of a dwelling in an area of countryside for which there is no overriding justification.

3 Proposal

3.1 Construction of new dwelling to replace house demolished under Planning Permission

97/61610/000.

- 3.2 The proposal is for a two storey 4 bedroom dwelling of a chalet design with rooms within the pitched roof space and a basement. The access to the site would be moved from the eastern side of the frontage to St Peters Avenue to the western side. The proposals would result in the removal of the frontage hedge and its re-planting and the removal of a section of the hedge on the eastern boundary.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Northney and Tye Village Design Statement

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)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

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

Emerging Havant Borough Local Plan

E22	(Amenity and pollution)
E5	(Chichester Harbour Area of Outstanding Natural Beauty)
DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
E3	(Landscape and settlement boundaries)
E12	(Low carbon design)
E19	(Managing flood risk in new development)
E16	(Solent Special Protection Areas)
EX1	(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>

Councillor Leah Turner - Hayling East

No comments received

Councillor M Wilson - Hayling West Ward

No comments received

Councillor R Raines - Hayling East

No comments received

Crime Prevention -Minor Apps

No comments received.

Environment Agency

No comments received.

Environmental Health

Observations | Comments:

I have read the enclosed documentation provided, and have noted that the agent has indicated that no noise will be audible at neighbouring properties from the pumping plant in the basement & / or the MVHR system. As both system designs have not been completed as yet, and the potential for associated external noise remains, which may require specific mitigation measures to be employed, we would still need clarification & confirmation, that there will be no noise impact on neighbouring residents, from either system.

I have no objection in principle to this application, but would ask that the following conditions and informatives be added to any positive decision notice, if consent were to be granted:

Condition 1: Prior to the installation of any MVHR ventilation system and / or ground water pumping system, details of the proposed systems including any necessary acoustic mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. The systems installed shall thereafter be retained and maintained fully in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

BS4142:2014 Requirement

Any external noise resulting from the use of any such plant, machinery or equipment shall be at least 5 dB below the existing typical background level (or lower) when measured according to British Standard BS4142-2014, at the boundary with

neighbouring dwellings.

Reason: In order to safeguard the amenities of adjoining residential occupiers and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Hampshire Highways

The applicant is proposing to construct a new dwelling and vehicular access on St Peters Avenue. While it is noted that the new access will be located less than 10m away from the minor junction, traffic flows are low along St Peters Avenue and the new access will mirror those already provided along the road.

The Highway Authority therefore raise no objection to the application, subject to the applicant securing a Section 184 licence, further details of which are available on the following link: <https://www.hants.gov.uk/transport/developers/section-184>.

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: 4

Number of site notices: 1

Statutory advertisement: 20/11/2020

Number of representations received: 1 Representation from North East Hayling Residents Association.

Comment	Officer Comment
North East Hayling Residents Association	
The committee of NEHRA has considered the above application, and consulted with neighbours to the proposed development and would like these points to be taken into consideration when the case is considered by the Planning Department;	
1) The size and proximity to boundaries is out of keeping with road. The original application for the site was for a bungalow of similar size to no 17.	See part 7 of this report. The original 1997 permission was for a similar style of property but without the basement.
2) The small gaps to the limit of the plot will reduce access to the back garden	The proposal retains a gap to both sides of the proposed dwelling -

<p>3) We note that there is no garage or other storage, and that the existing garage is to be removed.</p> <p>4) We would observe that Hayling and basements have an issue with the surrounding water table, but sufficient tanking and other steps could tackle it. The plan shows the basement being 2.8m high. Although not in the flood area, the water table level is very high. Using the OD level in the road, on the site plan, of 4.6m the floor level would be about 1.5OD. The sea level at some high tides is 3.3 OD so inevitably there could be about a metre of water,</p> <p>5) Could there be a noise issue at times with constant pumps, such as to affect the neighbours? Also, may not be very green with the need for pumping, ventilation and lighting, as all artificial light, as far as we can see, with no natural ventilation</p> <p>6) We do not believe that the large tree is subject to any protection, but it is a pity to lose a large tree.</p> <p>7) Similarly, the removal of the old hedges is out of keeping with the neighbourhood, and will also reduce neighbour's privacy.</p>	<p>approx 1.2m to the east and 1m to the west.</p> <p>Three parking spaces can be accommodated to the front of the site - this would meet the Councils Parking Standards</p> <p>Flood risk issues are considered in Part 7 of this report.</p> <p>Issues in relation to noise are considered in Part 7 of this report. The design of the basement allows for some natural light to the Recreation Room and Bedroom 4 and with skylights to the Media/Cinema.</p> <p>The proposal would not result in the removal of significant trees.</p> <p>The landscaping of the site is considered in Part 7 of this report.</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 need
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Flood risk
- (vi) Pollution considerations
- (vii) Ecological matters
- (viii) Other Matters

- (i) Principle of development

7.2 The application site is situated within the non-urban area where further development is

restricted. The proposal will be assessed below against adopted and emerging policy and the planning history of the site will also be considered.

Adopted Policies and National Guidance

- 7.3 Havant Borough Local Plan (Core Strategy) 2011 policy CS17 states: *Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy.* This is elaborated in policy AL2 of the Havant Borough Local Plan (Allocations) 2014 which states:

The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map.

The Borough's undeveloped gaps are those areas between the urban area boundaries of Waterlooville, Leigh Park, Havant, Emsworth; together with the undeveloped gaps between them and neighbouring boundaries with Portsmouth, Winchester, East Hampshire and Chichester.

Planning permissions will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:

- 1. Relates to small scale householder development.*
- 2. Meets an overriding public need e.g. For community or recreation use, that cannot be accommodated elsewhere in the Borough.*
- 3. Meets the policies for exceptional development in 'rural areas', set out in the NPPF.*

Land outside the defined urban area on Hayling Island is 'non-urban' rather than undeveloped gap. Development of exceptional affordable housing in the non-urban areas of Hayling Island is not considered appropriate or necessary and is likely to be refused planning permission.

- 7.4 The proposal is for a new dwelling and therefore does not meet point 1; does not meet an overriding public need point 2; the proposal is considered against point 3 (NPPF), below.

- 7.5 Rural housing is considered in paragraphs 77- 79 of the NPPF, paragraph 77 states that:

In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

This proposal is not for affordable housing and is not considered an exception site.

- 7.6 Paragraph 78 states that:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

It is not considered that the provision of a single dwelling in this location would meet this aspiration.

- 7.7 Paragraph 79 states that isolated homes in the countryside should be avoided except where listed circumstances apply - these in summary are, essential rural worker dwellings, where the development would support a heritage asset, re-using redundant

or disused buildings, sub-division of existing dwellings or if the design is of exceptional quality. The current proposal would not meet any of these criteria.

- 7.8 In conclusion in relation to adopted policies it is not considered that the proposal can be supported in principle and the application has therefore been advertised as a Departure to the Local Plan.

Emerging Policies

- 7.9 The emerging Havant Borough Local Plan represents the Council's most up to date policy position, however, in accordance with Government Guidance it can be afforded only limited weight at this stage.
- 7.10 Policy E3 relates to landscape and settlement boundaries and Figure 16 together with the emerging proposals map confirm that if adopted the site would be within the built up area. New residential development within such areas would be acceptable in principle. At present the emerging Local Plan has not been subject to examination and therefore carries limited weight but does demonstrate the Councils 'direction of travel' with regard to the area.

Planning History

- 7.11 Given that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise, it is necessary to consider whether the planning history provides a background that would justify the provision of a dwelling on the plot. There are two main aspects to consider and these are set out below:

Whether the Residential Use of the Site has been abandoned

- 7.12 The original dwelling was reportedly demolished soon after outline permission was granted in 1997 for the demolition of the dwelling and the construction of a new dwelling. In 2002 a further outline consent was granted. In 2007 permission was granted for a new dwelling to replace the bungalow demolished under Planning Permission 97/61610/000. This most recent permission was a full planning permission, however that permission expired on the 19th December 2010. As such whilst the previous use of the site as a dwelling house is a material consideration, given the length of time since the demolition of the building (in excess of 20 years) and the need to review the application against the current adopted policies and guidance it is considered that any weight to be afforded to the original dwelling would be limited. In terms of previous consents, the most relevant to consider is planning permission 97/61610/000 which was the original consent for the demolition of the building and its replacement with a further dwelling, and whether this permission may have been commenced by the demolition of the dwelling (the more recent consents have all expired).

The Commencement of Development

- 7.13 Planning Permission was granted in 1997 for the demolition of the existing dwelling and construction of a new dwelling. This was described as an outline approval, although it is noted that there were no 'reserved matters' conditions imposed on the planning decision notice. Four conditions were imposed as follows:

1. Time Limit - 5 years (expired 5th March 2002);

2. Construction of the building not to commence until materials approved;
3. Development not brought into use until 3 parking spaces provided;
4. Removal of permitted development rights (windows, doors and other openings) in the east and west elevations at first floor level.

It is noted that none of these conditions would prevent the demolition of the original building as the first phase in the implementation of the permission. Therefore it is necessary to consider whether the demolition of the building took place within the 5 year time limit (i.e. before 5th March 2002) and if so would the demolition of the building constitute a commencement of development for the purposes of the Planning Acts.

- 7.14 In relation to the demolition timing, the demolition contractor has confirmed that the demolition took place on the 15th July 1998. In addition, the case officers site notes in considering application 02/61610/001 from March 2002 confirm that at that time the dwelling had been demolished. It is therefore considered that the demolition took place before 5th March 2002. Members will be advised of any further evidence established.
- 7.15 The Town and Country Planning Act includes demolition as a material operation which is capable of commencing development. In this case, the demolition having taken place prior to 5th March 2002 effectively 'saves' the permission and the 1997 permission has commenced. This represents a significant 'fall back position' in the consideration of the current application.
- 7.16 There is no evidence to suggest that the most recent consent 07/61610/003 *New dwelling to replace bungalow demolished under Planning Permission 97/61610/000* which included pre-commencement planning conditions that have not been discharged has been implemented.
- 7.17 Officers recognise that there a number of unique circumstances relating to this application that need to be considered and weighed in determining the principle of development. As set out above these can be summarised as:

The site previously contained a dwelling,
 There are historic consents for a replacement dwelling,
 It is considered that the original consent has been implemented by the demolition and now represents a significant 'fall back' position,
 The site is currently outside the built up area, however emerging policies would result in the site being within it.

These factors also need to be considered against the other material considerations set out below including housing need and flood risk.

(ii) Housing need

- 7.18 The Borough's housing land supply was updated in February 2021. This shows that the Borough now has a 4.2 year housing land supply with a 20% buffer applied, as such this supply now falls below the Governments five year supply threshold.
- 7.19 The proposal would result in the provision of 1 residential unit and it is recognised that the development would therefore make a contribution towards the Councils housing need. Given the limited scale of the development this contribution would be very modest.

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

- 7.20 The application site lies to the north of St Peters Avenue and with the exception of the existing single garage is a vacant site mainly laid to grass. To the north side of the avenue are mainly detached and occasionally semi-detached dwellings. These incorporate various designs but with many 'chalet style' dwellings incorporating rooms in the roof and bungalows.
- 7.21 The site is in fairly close proximity to the Chichester Harbour Area of Outstanding Natural Beauty which lies approximately 190m to the south-east of the site. The proposed dwelling would be viewed in the context of a continuous line of residential development on the northern side of St Peters Avenue, the site forming the only gap. From distant views in the landscape the development would not therefore appear out of context or alien to the established pattern of development.
- 7.22 To the immediate west of the site is a chalet style dwelling with a gable end and overhanging roof to the avenue. To the east is a bungalow with rooms in the roof and a large dormer window facing the avenue. To the south are the grounds of a large, detached house (The Curlews) and to the north is open land that appears to be associated with The Willows, a house fronting St Peters Road.
- 7.23 The proposal is for the erection of a four bed dwelling with a basement and rooms at first floor level formed partly within the roof slope. The south elevation would front St Peters Avenue and would include a split eaves line with a lower eaves line above a bay window and a one and a half storey eaves line to the remainder of the frontage. The building would incorporate a traditional hipped, pitched roof with two dormer windows. The rear elevation would have the eaves line at ground floor window head height and three hipped dormers. The west elevation would incorporate a single storey element and the eastern elevation a chimney.
- 7.24 The dwelling would have a height to ridge of approximately 8.1m and an elevation to the street has been provided, this indicates that the ridge line proposed would be slightly higher than the property to the west (approximately 7.8m high) and more significantly higher than the property to the east (approximately 6.8m high). The provision of first floor rooms partly within the roof slope of the proposed dwelling does help to keep the overall height, mass and bulk of the building relatively constrained and it is considered that the design is traditional and fits well with the aesthetics of St Peters Avenue.
- 7.25 The building would be set back from St Peters Avenue site frontage by approximately 7.4m, this compares to approximately 7.8m (No.17) and approximately 5.1m (No.21). The setback is therefore considered commensurate with the established set back from the frontage.
- 7.26 Some concern has been raised by the North East Hayling Residents Association with regards to the proximity of the development to the site boundaries. Gaps to the side boundaries are however maintained to either side of the proposed dwelling which would allow access to the back garden without entering the house. The gaps to boundaries are not considered out of keeping with others found within the avenue.
- 7.27 The proposals would result in the repositioning of the access to the site frontage which would be moved towards the west. The plans indicate that a section of the existing hedgerow would be removed to achieve this although the frontage hedge is shown to be replanted. A small section of hedge to the eastern boundary with No.21 would also

be removed. Hedges are a feature of St Peters Avenue and it is considered that should planning permission is granted a condition to secure the re-provision of a frontage hedge would be appropriate.

- 7.28 The proposal would include the provision of hardstanding to the site frontage and this would allow for the parking of three cars which would meet the Councils Parking SPD requirements. If planning permission is to be granted a condition is recommended to secure the provision of the parking with a porous surface in the interests of drainage.
- 7.29 Overall it is considered that the proposed development would have an acceptable impact on the character and appearance of the area.

(iv) Impact upon residential amenity

- 7.30 The main impacts from the proposed development are considered to be to No.17 to the west and No.21 to the east.

Impact on 17 St Peters Avenue

- 7.31 No.17 is a chalet style property. To the eastern side facing the application site is a conservatory which projects towards the common boundary. The conservatory would be set approximately 3.7m off the side of the proposed dwelling with a hedge between the properties which is shown to remain. There is also a bathroom window in the east facing elevation of No.17 set 7m from the proposed dwelling.
- 7.32 The proposed dwelling is designed with the roof sloping down to single storey level at its closest point to No.17 which reduces the buildings mass and bulk when viewed from this side. There are no windows and only a side door shown on the proposed elevation facing No.17. It is considered that the proposal would result in an acceptable relationship to No.17.

Impact on 21 St Peters Avenue

- 7.33 No.21 is a bungalow with room in the roof including front and rear dormers. There is a flat roofed car port and small extension set closest to the common boundary with the application site. There is one side window on the side wall of No.21 at ground floor level which looks into the car port area.
- 7.34 The proposed dwelling would be set closest to the car port and set back side extension approximately 1.3m off the common boundary and approximately 4.5m from the main flank wall of No.21. A section of hedging would be removed close to the proposed house. The siting of the building is such as to avoid a significant overlap to the rear of No.21. It is considered that the relationship to No.21 would be acceptable.

(v) Flood risk

- 7.35 The site is located in flood zone 1 (low flood risk), however, the extent of future flood zones with climate change for Havant Borough have been mapped in the Partnership for South Hampshire Strategic Flood Risk Assessment. The PUSH SFRA was published as part of the supporting evidence for the emerging Local Plan. Under this assessment the site has been identified as being within a future flood zone. Within such areas it is necessary to provide a Flood Risk Assessment and for the Local Planning Authority to carry out a sequential test. The application is supported by a flood risk assessment together with information with regard to the Sequential Test.

- 7.36 The submitted Flood Risk Assessment details the fact that the proposal is for a replacement dwelling; there is access to the first floor for site users; that there is access to unrestricted Flood Zone 1; flood risk overall can be reduced by maximising porous and permeable areas and appropriate drainage; flood resilience measures can be incorporated; and that the dwelling results in a better protected and future proofed dwelling.
- 7.37 In relation to flood resilience measures these are listed in the FRA, the main points are listed below:
- Non-return valves as standard for basement and ground;
Basement to be fully waterproofed (tanked) and waterproofing to be tied to ground floor slab as appropriate;
Waterproofing installed above ground level as appropriate;
Horizontal plasterboard to reduce any flood damage;
Raised wall sockets;
Non-return valves to sewers.
- 7.38 These measures are considered appropriate and would help to reduce flood risk to future residents and appropriate drainage secured by condition would ensure that flood risk is not increased off the site. The Environment Agency has been consulted in relation to the proposals, however no response has been received within the consultation period. Members will be updated in relation to any response received.

Sequential Test

- 7.39 Guidance is clear that where a Strategic Flood Risk Assessment (SFRA) has been prepared, it should form the basis of the Sequential Test:

“...The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test.”

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#sequential-approach>

Paragraph: 019 Reference ID: 7-019-20140306

...“Nor should it normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change).”

www.gov.uk/guidance/flood-risk-and-coastal-change#aim-of-Sequential-Test

Paragraph: 033

Reference ID: 7-033-20140306

- 7.40 The sequential test essentially seeks to establish whether it is appropriate to provide development which is vulnerable to flood risk within an area at risk of flooding. In this case the proposed development is for a dwelling which is in the 'More Vulnerable' category of development.
- 7.41 Whilst it is clear that there are other sites for development on Hayling Island (considered an appropriate search area for 1 dwelling) that are not in either Flood Zones 2 or 3 or in a future flood zone, in the case of this application there are considered to be site specific circumstances that need to be taken into account in the application of the sequential test.
- 7.42 Given the conclusions above in relation to the planning history of the site and the fact

that there remains an implementable planning consent for a dwelling on the site which did not incorporate flood resilience measures, it is considered that the proposal represents a betterment of the extant position. Indeed, as a replacement for the dwelling approved under Planning Permission 97/61610/000, there is no other location in which it could logically be provided. That being the case the sequential test can be considered to have been passed by the scheme.

(vi) Pollution considerations

- 7.43 The proposal would include pumping plant in relation to the basement and a Mechanical Ventilation with Heat Recovery System (MVHR). This has been considered by the Councils Environmental Health team. Whilst it has been indicated by the planning agent that the equipment would not result in audible noise at the site boundary, the final system designs are not yet completed. It is therefore recommended that a condition be imposed to ensure that any noise at the boundary is below background noise levels. Subject to this condition, the development is considered acceptable in terms of potential noise issues.

(vii) Ecological matters

- 7.44 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.
- 7.51 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.
- 7.52 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.
- 7.53 The Solent Recreation Mitigation Strategy unilateral agreement and payment of £851.45 has now been secured. The Mitigation Plan for Nutrient Neutral Development is being addressed with the applicant and the recommendation below is subject to a Legal Agreement to secure this. The contribution required is £1,011. If the agreement is completed and contributions paid prior to the Development Management Committee meeting members will be updated. A condition is also required in relation to water use.

(viii) Other Matters

- 7.54 The development would be CIL liable although it is noted that self build exemption has been claimed.

8 Conclusion

- 8.1 In conclusion, whilst the site is located outside the built up area and within a future flood risk zone, the planning history essentially establishes a fall back position where the principle of residential development can be supported. The building's impact on the character and appearance of the area is, subject to conditions, considered to be acceptable as is the impact on neighbouring residents. Ecological issues in relation to impacts on the SPA environments have been or can be satisfactorily addressed. Planning permission can therefore be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00888 subject to:

- (A) The satisfactory completion of a S106 Agreement to ensure Nutrient Neutrality;
and

- (B) 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:

Location and Block Plan Drawing No. 1018/01
Basement Plan Drawing No. 1018/07 Rev A
Ground Floor Plan with Parking Drawing No. 1018/08 Rev A
First Floor Plan Drawing No. 1018/09
Roof Plan Drawing No. 1018/10
Elevations Drawing No. 1018/11
Elevation to Street and Sections Drawing No. 1018/12
Site Plan as Proposed Drawing No. 1018/14
Flood Risk Assessment & SUDS Strategy for Planning ARK Environmental Consultancy Ltd January 2021
Water Efficiency Calculator

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples / or 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 and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 5 No development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additions or alterations to the roof shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

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

- 7 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be constructed with a porous surface, be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Prior to the installation of any MVHR ventilation system and / or ground water pumping system, details of the proposed systems including any necessary acoustic mitigation measures, shall be submitted to and agreed in writing by the

Local Planning Authority. The systems installed shall thereafter be retained and maintained fully in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

BS4142:2014 Requirement

Any external noise resulting from the use of any such plant, machinery or equipment shall be at least 5 dB below the existing typical background level (or lower) when measured according to

British Standard BS4142-2014, at the boundary with neighbouring dwellings.

Reason: In order to safeguard the amenities of adjoining residential occupiers and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby permitted a construction management plan detailing the construction phase management and operation shall be submitted to and approved in writing by the Local Planning Authority.

The plan as a minimum shall include:

- Details of construction parking;
- Storage of Construction Materials;
- Details of storage of excavated materials and their removal from site including details of method of removal, vehicle types and routing;
- Measures to limit impacts on neighbouring residents.

The construction phase shall be carried out fully in accordance with the construction management plan as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the character and amenities of the area neighbouring residents bearing in mind the need for significant excavation on site and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH

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

Appendices:

Appendix A: Location Plan
Appendix B: Existing Site Plan
Appendix C: Proposed Site Plan
Appendix D: Proposed Ground Floor Plan
Appendix E: Proposed Basement Plan
Appendix F: Proposed First Floor Plan
Appendix G: Proposed Roof Plan
Appendix H: Proposed Elevations
Appendix I: Street Elevations
Appendix J: Section Plan