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Site Address: Dale Lodge, 172 The Dale, Waterlooville, PO7 5JE  
Proposal: Erection of 1No. dwelling with 2No. car parking spaces, cycle & bin storage  
Application Type: Full Planning Permission  
Application No: APP/23/00112                      Expiry Date: 04/05/2023  
Applicant: Mr Briar  
Agent: Mr M Morris                      Case Officer: Lesley Wells  
            Mick Morris AADipl RIBA  
            Chartered Architect  
Ward: Purbrook

Reason for Committee Consideration: At the request of Councillor Diamond

Executive Head of Place Recommendation: **GRANT PERMISSION**

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### **Executive Summary**

The application site itself and its host dwelling compose a triangle of land with a vehicular access onto The Dale with a separate pedestrian access onto Widley Gardens. The site lies behind or to the side of existing residential development within The Dale, The Thicket and Widley Gardens.

In terms of the principle of development, the site falls within an urban area where there is a presumption in favour of sustainable development. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is considered to be of a size to comfortably accommodate the proposal together with the associated activities in a sustainable location, without adversely impacting on neighbouring residential amenity or impacting on the character and appearance of the area.

The proposal is acceptable in drainage and flood risk terms and the landscape and ecological measures are considered appropriate for the development.

The provision of car parking and cycle storage for both the host dwelling and the proposal accords with Havant's Design Guide SPD and the access to the site is considered acceptable on highway safety grounds.

The proposal would make a very modest addition to the Council's housing figures which is supported at both the local and national level.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment (AA) under Regulations 63. The screening under Regulations 63(1) (a) found that there was likely to be a significant effect on recreational pressure and water quality on the Chichester and Langstone Harbours Special Protection Area (SPA).

The subsequent AA included a package of measures:

- As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation in respect of recreational pressure; and
- As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation.

The AA concluded that this is sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. This conclusion has been accepted by Natural England.

The applicant has entered into a legal agreement to secure the mitigation packages for the Solent Recreation Mitigation Strategy and for nutrients.

Therefore, the development is considered to accord with the development plan when considered as a whole and the National Planning Policy Framework and conditional planning permission is recommended.

## **1 Site Description**

- 1.1 Dale Lodge is a chalet bungalow, with a detached garage. The application site itself and its host dwelling comprise a triangle of land with a vehicular access onto The Dale with a separate pedestrian access onto Widley Gardens. The vehicular access also provides access to the rear of several properties in The Dale. The applicant is the owner of the vehicular access, with some of the properties backing onto this access, having a right of way across it.
- 1.2 The site lies behind or to the side of existing residential development within The Dale, The Thicket and Widley Gardens. The residential surrounding area is made up of a mixture of designs, styles and sizes.
- 1.3 There are mature trees and hedges along the northern boundary, with trees and vegetation along the other boundaries, with a large Cedar of Lebanon Tree to the north east of the site. A tree the subject of a Tree Preservation Order within the site was replaced with an Oak Tree, which following a recent inspection showed that since being planted it has died. There is also a Group TPO near the entrance onto The Dale.
- 1.4 The application site area is advised to be 823sqm in total, with the building and garden footprint comprising approximately 357sqm of that total. The site falls within flood zone 1 and would remain so with climate change in 2115.
- 1.5 The level of the site falls to the northwest.

## **2 Planning History**

02/53306/001 - Fell Oak tree within Group G1 of TPO 863 and treat stump. Refused 17/01/2003

92/53306/000 - Reduce crown of Turkey Oak covered by TPO 863 by 30%, 18/05/1992.

## **3 Proposal**

- 3.1 The proposal is for the erection of 1 No 3-bedroom, chalet style dwelling with a raised eaves height and featuring a dormer in the western elevation, following the sub-division of the existing plot. Two parking spaces are proposed to the rear of the

chalet bungalow to the north west, with vehicular access from The Dale. The cycle storage would be to the rear of the chalet bungalow and following an amended plan the bin storage is sited further to the north near the retained pedestrian access onto Widley Gardens.

- 3.2 The design of the proposed dwelling takes its theme from the host dwelling. It would have the same 40° pitched roof with identical tile covering. There would be plain white rendered elevations, with the upper element of grey horizontal cedar boarding. Window and door materials and colours would also follow the host dwelling.
- 3.3 The site's western boundary would be formed mainly of a Beech hedge, with a section of 1.2m high brick wall. There would be a 2m high brick wall on the southern boundary, with 2m close boarded fencing on the other boundaries.
- 3.4 Changes to the scheme made during the consideration of the application include:

Tree protection measures to include the protected tree (T1) at the entrance  
Relocation of bin storage to the north of the site.  
Additional tree and hedge planting for the site.

#### **4 Policy Considerations**

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

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

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

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

##### **Arboriculturalist - No Objection**

When looking at this one I wondered if the agent would accept the addition of tree protection fencing to be included around T1 on the entrance to the access from The Dale and the trees subject to TPO 0863?

This could be agreed as prior to commencement condition for Tree Protection but I didn't know if the agent wished to amend the plans at this stage?

I would also suggest some changes to the landscaping proposed. Whilst the removal of the trees would be acceptable could the proposed oak be replaced with a hornbeam (less water demanding tree) and the proposed alder be replaced with holly and could additional trees, such as a birch be incorporated, where possible along the western boundary? Again, these could be secured by prior to commencement condition?

**Officer Comment:** *Following on from the above consultation, the agent has confirmed protective fencing to be included around T1 at the entrance and updated the plan accordingly. The agent has also agreed to replace the oak and alder with a hornbeam and a small cherry tree, together with an extension of the beech hedge along part of the western boundary.*

## **Building Control**

### Final comments

It appears that the applicant is trying to use Widley Gardens as the fire service access to the property. This is possible in principle but the applicant is going to need to demonstrate the following

- 1) That the fire service will know to use Widley Gardens for access, especially if the new property's address is The Dale
- 2) That all points with the new property is within 45m of the location of the fire service vehicle, which needs to be measured as the fire service would run a hose or walk – not through a wall or tree etc
- 3) That adequate access is provided from Widley Gardens into the new property

Any application made under the Building Regulations would need to demonstrate all of these issues and would be subject to consultation with Hampshire Fire and Rescue Service.

I note that the applicant has indicated a bin store on the plan, however the bin store need to be within 25m of the Council's bin collection point, which is not shown on the plans.

**Officer Comment:** *The agent has advised that in the event of a fire access to the site would be from Widley Gardens, to be agreed with the Fire Service.*

*A revised plan has been provided, which shows the bin and recycle waste storage to be within 25m of the Council's bin collection.*

### Initial comments

We are unable to provide a full response to this consultation the plans provided failed to open properly. I can advise that there is no public sewer shown on the map of sewers within 3m of the proposed building

It should be demonstrated that adequate access for the fire service will be provided. The road should be at least 3.7m wide for the full length and able to support at least a 12.5 tonne vehicle. If the access road is over 20m long adequate turning should be provided for a fire service vehicle.

It should also be demonstrated that adequate provision has been made for the storage

and collection of solid waste as detailed in Approved Document H.

### **Community Infrastructure - Comment**

CIL Liabe: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>. The applicant has made an application for self build relief. Additionally, pending a response from Natural England on the HRA, instructions should be passed by the Case Officer to the CIL Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

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

### **Former Councillor Gary Hughes - No Objection**

For the purposes of transparency, I declare that until 31st March, I live adjacent to the proposed site. I have taken the time to read the application form submitted for the construction of the proposed dwelling in the garden of 174a The Dale. The form clearly states that there will be no 'new or altered vehicular access to or from the public highway'. In addition, the arboricultural survey report indicates that the linear group of four Leyland Cypress which are visible from (and front) Widley Gardens have an estimated remaining contribution (ERC) of 10+ years. Minor works using a mechanical digger have been undertaken in the past on the site, during the renovation of the existing property. This demonstrates that the vehicular access from The Dale is suitable for HGV's. I can see no material reason why the application would be refused. No property will be overlooked, no property will lose light (often cited in public comments) there will be no highways issues for Widley Gardens and given the height of the Leylandi, it will be almost invisible. A similar property has been built in the garden of No1, The Thicket (literally just around the corner) so local precedent has been set. My one concern is the 'Scots pine', a beautiful specimen located on the site. I trust every effort will be taken to ensure that the root protection area is clearly defined and adhered to, during the construction phase. Finally, a condition that all materials entering or leaving the site must be via the established highway access would be helpful.

**Officer Comment:** *Former Cllr Hughes was a Ward Councillor at the time of the application's submission.*

### **Councillor Husky Patel - No Comment**

### **Councillor Ms C Diamond - Purbrook Ward - Objection**

My reasons for having this planning application go to committee are model reasons:

1. R30 not in keeping with the current street scene
2. R111 Would set a precedent contrary to policy CS16 core strategy.
3. R133 Size and shape would be detrimental to the area
4. R134 not in keeping with the surrounding area
5. R135 undesirable backland development detrimental to the area
6. R136 Undesirable due to unsatisfactory access.
7. R165 The development would likely encourage parking of vehicles on the public highway

8. R169 The access out to the main highway would be a cause for concern to other road users contrary to policies CS16, CS19, CS20, and DM13/14 of the HBC local plan.

**Councillor Ryan Brent - No Comment**

*Officer Comment: Cllr Brent has become a Ward Councillor during the application process.*

**Council Ecologist - No Objection**

Thank you for the photos. Having reviewed the photos I would not consider the site to be of ecological value. In view of the arb report, the very few trees to be felled are not likely to have bat roosting features given their size, management and maturity. Therefore, I would not consider ecological survey work necessary. I would advise a nesting bird informative and enhancements to be conditioned.

*Nesting Bird Informative*

*Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting areas outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.*

The site lies is within 5.6km of the Solent and Southampton Water SPA/Ramsar site and the development will lead to a net increase in residential accommodation. Therefore, the applicant has agreed to mitigate for the increased recreational pressure to the Solent Recreation Mitigation Strategy.

If you are minded to grant permission I would advise the following condition is added to the planning permission:

*Development shall proceed in accordance with the European Sites Avoidance and Mitigation Checklist and recommendations made within the Biodiversity Assessment report. In addition, a bat roost enhancement shall be included within the new roof design or to a mature tree. Reason: To ensure biodiversity is protected and enhanced in accordance with the Wildlife and Countryside Act 1981, Habitat and Species Regulations 2017, NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

*Officer Comment: If permission is granted, the above condition and informative are recommended to be included in the decision notice.*

**Developer Services, Southern Water - Comment**

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

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

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

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.

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

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

SouthernWaterPlanning@southernwater.co.uk

**Officer Comment:** *If permission is granted the above would be an informative on the decision notice.*

### **Hampshire Highways - No Objection**

In regard to application APP/23/00112, as the application is for 5 dwellings or less, there is no required change of vehicle access onto the highway, and the development does not access directly onto a classified road, HCC's Highway Standing Advice should be referred to in the first instance. This can be viewed via the following link under the heading Consultation with the Highway Authority - <https://www.hants.gov.uk/transport/developers/consultation>

However, in regard to the application, having undertaken an initial review, there would be no objection to the proposals from a highways perspective.

Whilst the vehicle access is not necessarily in an ideal location, it is existing and works without known incident for the dwellings it already serves. Its initial width is also sufficient to cater for vehicles passing (accessing and egressing the site at the same time) off of the highway to avoid obstruction.

Onwards, parking levels and turning space on site are sufficient for use.

### **Landscape Team - No Objection**

I have commented on this application on April with no landscape objection. Having reviewed the site layout plan I still have no objections.

### **Natural England - No Objection**

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- Solent Maritime Special Area of Conservation (SAC)
- Solent and Southampton Waters Special Protection Area (SPA) and Ramsar
- Portsmouth Harbour SPA and Ramsar
- Chichester and Langstone Harbour SPA and Ramsar
- Solent and Isle of Wight Lagoons SAC

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures:

- Consideration of this project's effects on total nitrogen and/or total phosphorus nutrient loading within the Solent, including a complete nutrient budget calculation
- Securing mitigation measures to address any nutrient impacts prior to occupation of the proposed development, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development
- Securing mitigation against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent - applicant to comply with the policy and the Bird Aware Definitive Strategy.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment dated 14 June 2023 concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

#### *Further advice on mitigation*

##### *Deterioration of the water environment*

We note that this application is supported by a nutrient budget dated 01 February 2023 Nutrient budget calculation We note that the nutrient budget calculation available on the planning portal is not completed to Stage 4 as the land use is not in the correct row at stage 3. However, if corrected it gives an output at stage 4 of 0.95 Total Nitrogen (TN) per year, rather than the 0.90 that is stated in your Appropriate Assessment.

We recommend that the budget calculation is checked and revised as needed. Provided the competent authority is assured and satisfied that the site areas used in the nutrient budget calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no further concerns with the nutrient budget.

##### *Recreational disturbance - Solent Special Protected Areas (SPAs)*

This application is within 5.6km of Solent and Southampton Water SPA/Ramsar site and will lead to a net increase in residential accommodation. Natural England is aware that Southampton City Council have 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), also known as Bird Aware Solent.

Provided that the applicant is complying with the policy and the Bird Aware Definitive



Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Please note, your authority's appropriate assessment should reflect the current developer contribution rates, which are updated every April in line with the Retail Price Index.

We do note that stage 3 of your appropriate assessment states that contributions to SRMP (Bird Aware Solent) will be made for 6 new dwellings, yet the proposal is for 1 new dwelling. This may therefore need revising.

#### *Other Advice*

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

**Officer Comment:** *The correct contribution was secured for both the SRMS and nitrates.*

#### **Nitrates Team - No Objection**

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at: <https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

#### **Waste 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: 21

Number of site notices 2

Statutory advertisement: Not applicable.

Number of representations received: 12

## **Representations**

The following is a summary of the representations received.

### **Character and appearance of the area**

- Over development
- Further congestion
- Detrimental to the local neighbourhood and environment
- Hedgerows an integral part of the area

### **Amenity**

- Overlooking
- Loss of privacy
- Removal of trees – affect view from property
- Loss of view – detrimental to enjoyment of property
- Noise & disturbance from construction & vehicles
- Time restrictions on deliveries etc.
- Noise from visitors and increased traffic
- Increase in CO2 levels
- Car headlights a problem

### **Highways & Parking**

- Exacerbate existing on-street parking problems within area
- Visitors to Dale Lodge have blocked driveways in Widley Gardens
- Limited access to, and limited parking for the proposed build/proposal
- Increased traffic in area and track
- Lack of space for delivery vehicles to turn on site – must reverse out – highway hazard
- Increase in traffic
- Use of track by HGV may cause damage to properties.
- Track unsuitable for HGVs
- In highway safety terms access to track unsafe close to school entrance – improvements would result in the loss of trees.
- Directly outside the track entrance double yellow lines deemed unsafe for parking of vehicles.
- Exacerbate a dangerous highway situation.
- Inadequate access from The Thicket highway safety issues
- Pedestrian access onto Widley Gardens – unnecessary and intrusive - opens onto hammer head – area should be free of parking
- Condition construction vehicles must use access from The Dale

### **Drainage/flooding**

- Concerns over flood risks – surface water and foul
- Loss of trees – worsen drainage/flooding issues
- Local infrastructure cannot support proposal
- Area has high levels of standing water
- Exacerbate surface water issues

- Not an area of low flood risk – SW & HCC aware of this
- Properties in Widley Gardens suffer from drainage issues in gardens – foul and surface water.
- SW has investigated but problem not resolved - proposal would exacerbate this, resulting in home being flooded
- No further development until flooding issue resolved.

### Ecology & Trees

- Loss of biodiversity
- Loss of trees – adverse impact on birds
- Impact on bats
- Loss of wildlife, flora & fauna
- Loss of hedgerows - integral part of the area

### Ownership and rights

- Site not all within ownership of applicant, which includes a Sycamore tree

### Other Matters

- Would permission be given to build more houses on the site?
- Planning permission previously refused for the site.
- Concerns over lack of access to garage
- The track borders several properties - council documents advised the track will need to be at least 3.7 meter in width – result in trees etc. having to be removed.
- Would the removal of trees impact on other buildings?
- Unclear if trees & vegetation along the track to be removed
- Claim part of site, is not within the applicant's ownership.
- Pedestrian access unnecessary – not a legal access – use of would severely disrupt the quiet enjoyment and cause aggravation to residents.
- Assurances that construction work undertaken in safe & considerate manner
- Assurances no changes to our access
- Track reinstated to former condition
- Undesirable precedent

**Officer comment:** *Many of the issues raised are addressed in Section 7 below. However the following additional comments are provided:*

*The applicant's agent has advised all the site is within his client's ownership, which is disputed by a third party. Any action would be a civil matter between the parties involved.*

*Damage to third parties' properties or alterations to accesses during the construction stage would be a private matter between the parties involved.*

*Reinstatement of the track would be a private matter.*

*In planning terms, the existing pedestrian access onto Widley Gardens, which is an unclassified road, does not require planning permission, as it is permitted development. Furthermore, the access appears to have been provided more than 4 years ago and if it had been subject to planning control, would now be immune from such control.*

*The LPA is not aware of any proposal to erect more houses on the site, which due to its size is considered unlikely on current information available. That said, any future application for the site would be considered on its individual merits. An application on 18 May 1989 was refused for 3 detached dwellings with integral double garage on the site with access from Widley Gardens, due to the loss of a protected tree and the overlooking from a two storey dwelling on plot 3 of adjacent residential properties. That application was materially different to the current application being considered.*

*The driveway would need to be 3.7m wide to accommodate a fire engine, in an emergency. It has been advised, however, that the Fire Service would attend any fire at the site from the pedestrian access off Widley Gardens.*

*Vehicles that currently use the accessway would at times use their headlights, which may have an impact on neighbours' properties, for brief periods of times. The proposal for one additional dwelling would not materially change this.*

*As to precedent each application must be considered on its individual merits.*

## **7 Planning Considerations**

### **Habitat Regulations Assessment & Appropriate Assessment**

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed 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) 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.

#### *Water quality*

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that

the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

### **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 was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages.

- 7.1 In other respects, 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 upon the character and appearance of the area
  - (iii) Impact upon residential amenity
  - (iv) Access and parking
  - (v) Impact on trees
  - (vi) Impact on ecology
  - (vii) Flood Risk & Drainage
  - (viii) CIL
- (i) Principle of development
- 7.2 The application site is situated within a sustainable urban area where further development is considered acceptable subject to the usual development management criteria. The addition of one new chalet bungalow in such a location would contribute, albeit very modestly, to the Council's overall housing requirement. The Council, at the time of writing the report, cannot demonstrate a 5-year land supply of housing, which is currently only 1.81 years.
- 7.3 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 Local Plan (Core Strategy) (2011) sets out that development will be permitted that makes the most effective use of land in the borough.
- 7.4 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, considering 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, and in this regard the proposal would represent a low-density development.
- 7.5 The adopted Local Plan policies echo the advice in the National Planning Policy

Framework (NPPF).

- 7.6 Paragraph 119 of the NPPF 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.
- 7.7 Paragraph 124 of the Framework supports development that makes efficient use of land where it considers the desirability of maintaining an area's prevailing character. Policies CS17 and CS9 together are broadly consistent with this approach.
- 7.8 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.
- 7.9 The principle of making more efficient use of an existing urban sustainable site is therefore supported having regard to the surrounding character and built form, albeit that the acceptability of the scheme put forward will turn on consideration of several detailed planning considerations as set out below.

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

- 7.10 The application site and the host dwelling comprise a triangle of land with a vehicular access onto The Dale with a separate pedestrian access onto Widley Gardens, which is currently existing. The surrounding residential area is made up of a mixture of designs, styles and sizes.
- 7.11 The design of the proposed dwelling takes its theme from the host dwelling and would be of a traditional design. It would have the same 40° pitched roof with the same plain roof tiles, with plain rendered white elevations, with the upper element of grey horizontal cedar boarding. Window and door materials and colours would also follow the host dwelling, which would be grey and grey blue. The pitched roof would be half hipped at either end and there would be an element of skilling within the bedroom spaces of the proposal.
- 7.12 The dwelling would comply with national space standards for a three-bedroom four person dwelling with a floor area of 93sqm. The accommodation comprises of one double bedroom, two single bedrooms and family bathroom on the first floor, and on the ground floor a living room, WC and a dining/kitchen with bifold doors that open onto the rear garden. The size of the building would be 6.9 m high, 5.8m wide and 10m long.
- 7.13 As to thermal performance, this would accord with Part L in the current building regulations, which would result in a high level of passive insulation. As to photovoltaic panels on the roof, this would be acceptable to the applicant and if permission was granted, would be the subject of a condition.
- 7.14 The design of the dwelling would comply with Part M of the building regulations regarding disabled access.
- 7.15 The site's western boundary would be formed mainly of a new Beech hedge, with a section of 1.2m high brick wall. There would be a 2m high brick wall on the southern boundary, with 2m close boarded fencing on the other boundaries.
- 7.16 The cycle storage would be on the eastern boundary, with refuse storage on the

northern boundary, with refuse collection from Widley Gardens.

- 7.17 The site is set back off a long private driveway (by approximately 40m), behind properties that front The Dale and The Thicket. Due to the separation distance from The Dale and existing properties, views of the site would be very limited from the public realm. As to Widley Gardens, the existing pedestrian access would be retained for the proposal, which is currently used by the host dwelling. Due to the northern boundary treatment, which is a 2m close boarded fence, with an existing Leylandii hedge screen over 3m in height along part of the boundary and the separation distance of the chalet bungalow from Widley Gardens (approximately 16m from No. 22 Widley Gardens), views of the proposal would be very restricted from the public realm.
- 7.18 Due to the concealed nature of the site, it is considered that the proposal would not materially impact on the character and appearance of the area, and would accord with policy CS16 of the Core Strategy.

(iii) Impact upon residential amenity

*Impact on existing residents*

- 7.19 Representations have been received about the potential loss of privacy, overlooking and disturbance by the proposal. The development is for a chalet bungalow, with a height of 6.9 m, with a dormer window in the western elevation.
- 7.20 As to the host dwelling this lies to the east of the proposal, with the front of this dwelling facing west, onto the rear of the proposal. The host dwelling's rear garden lies to the east, which is an irregular shape, with a depth at its widest point of 23m. The host dwelling would also retain a front garden, with a separation distance of approximately 16m from the proposal, with a 2m boundary made up of 2m high close boarded fencing.
- 7.21 The eastern elevation of the proposal would have a first-floor window which would service a staircase and landing. If permission was granted this window would be conditioned to be obscurely glazed, to prevent overlooking of the host dwelling.
- 7.22 The vehicular access to the host dwelling and its garage would remain, together with an appropriate level of car parking.
- 7.23 It is considered that the proposal would not significantly impact on the residential amenity of the host dwelling.
- 7.24 As to the dwellings in The Dale that back onto the application site, these are Nos 174 to 178A. The properties most likely to be impacted by the built development would be numbers 176 & 178. The separation distances from these two properties would be approximately 24m, which exceeds the distance required in Havant's Design SPD, of 20m. These properties are also at an angle to the proposal, which would future limit overlooking of windows.
- 7.25 As to the intensification of the use of the access way to the site the properties most likely to be affected are 174 The Dale, with windows overlooking the driveway, and 1a The Thicket, due to their adjacent locations, albeit it is acknowledged that other properties that back onto the site from The Dale may be impacted to some degree. It is acknowledged that during the construction stage, noise and disturbance would be generated at times. If this was found to be a significant issue, this would fall under Environment Health legislation to control. That said, once the development is

complete, the intensification of the use of the access by the occupation of one additional 3 bed dwelling would be unlikely to materially impact on the residential amenities of these properties.

- 7.26 Concerning the properties in The Thicket that back onto the site, there would be a minimum separation distance between the rear of these properties and the flank wall of the proposal of 30m. The flank wall of the proposal has two windows at ground floor to service a living room and a bedroom window at first floor. The 30m separation distance exceeds that required in Havant's Design Guide SPD, which is 20m. Therefore, the proposal would be unlikely to materially impact on the residential amenity of the occupiers of these properties.
- 7.27 Regarding the properties in Widley Gardens, the closest one would be 22 Widley Gardens, which is sited to the rear of the site. Along the boundary between 22 Widley Gardens there is a 2m high close boarded fence, with the land falling in the north west corner. The development and 22 Widley Gardens would not be directly opposite one another but would be at an angle with a separation distance, between the side wall of No.22 and the north elevation of the new dwelling of approximately 14m at the closest point, which exceeds the requirement of 10m in Havant's Design SPD. Therefore, the proposal would be unlikely to materially impact on the residential amenity of the occupiers of 22 Widley Gardens.

#### *Impact on future residents*

- 7.28 The size of this 3-bed property would comply with the Government's Technical housing standards – nationally described space standard and would be built to energy efficient standards.
- 7.29 The rear garden to the proposal would be to the north, with an average depth of 13m. This would exceed the minimum requirement in Havant's Design Guide SPD of 10m. To the east of the site the garden area would be 4m to the edge of the boundary with the host dwelling, with over 2m to the front boundary to the west, which would benefit from a replacement Beech hedge and tree planting, if permission is granted. To the south the proposal would be over 2 m from the site's boundary.
- 7.30 The proposal would have two parking spaces and a turning area to the rear, which complies with Havant's Car Parking SPD and would benefit from an EV Charging point.
- 7.31 The proposal would provide a satisfactory level of accommodation for future occupiers, in accordance with Policy CS16 of the Core Strategy.

#### (iv) Access and parking

- 7.32 Representations have been received regarding highway safety issues and the existing access, and the parking and accessing of construction vehicles to the site.

#### *Access*

- 7.33 Accompanying the application is a Highway Technical Note, which shows that the sight lines for the existing access are 2m x 43m in both directions, which accords with Hampshire Highway's Standing Advice for the proposal. No changes are proposed to the access.
- 7.34 Access to the site is off a private driveway. The access also provides rear accesses to



properties fronting onto The Dale. There is also a turning area for vehicles at the northern end of the access, with garages from properties in The Dale fronting this area.

- 7.35 The Highway Authority has been consulted over the proposal, and have raised no objection on highway safety grounds, with the initial width of the vehicle access considered "... *sufficient to cater for vehicles passing (accessing and egressing the site at the same time) off the highway to avoid obstruction.*" Therefore, the use of the existing access for the proposal is not considered to raise a highway safety issue.
- 7.36 As to construction vehicles visiting the site, it is recommended, if permission is granted, that a condition is imposed on the decision notice that a Construction Method Statement is submitted to the Local Planning Authority prior to development commencing, which requires amongst other matters, the arrangement for deliveries associated with all construction works and the provision of on-site long-term facilities for contractor parking to be submitted for approval.
- 7.37 With reference to the possibility of contractors' vehicles parking in Widley Gardens or on other parts of the public highway within the vicinity, if permission is granted, the Local Planning Authority has no power to prohibit this. That said, an on-site facility for contractors' vehicles would help limit this potential issue and if such vehicles were found to be an obstruction on the public highway, this would be a matter for the Police.

#### *Parking*

- 7.38 Representations have been received concerning the inadequacy of parking provision, and access to rear garages off The Dale
- 7.39 The host dwelling has sufficient parking for 3 vehicles, in accordance with Havant's Car Parking SPD, together with a garage for cycle and bin storage. For the 3-bed proposal, two car parking spaces would be provided, together with cycle and bin storage, in accordance with Havant's Car Parking SPD. The turning space for vehicles on the accessway to the west also provides vehicular access to neighbouring garages and a turning area for those with a right of way over this access, which would still be available if permission was granted. As found by the Highway Authority there is sufficient turning space for a vehicle to exit the site in a forward gear from the driveway. In parking terms the proposal therefore accords with Havant's Car Parking SPD.

#### (v) Impact on trees & Landscaping

- 7.40 Representations have been raised over the loss of trees and hedges on the site.
- 7.41 Accompanying the application is a Tree Protection Plan, an Arboricultural Impact Plan and an Arboricultural Survey.
- 7.42 There are several trees and hedges/vegetation around the site, of varying quality. There is also a mature Cedar of Lebanon tree (category B tree - moderate quality) to the northeast of the site, which has previously been inspected by the Council's Arboricultural Officer and not considered to be worthy of a Tree Preservation Order (TPO), due to its lack of public amenity. This tree, which is outside of the application site, would not be felled as part of the application, and amended plans have relocated the refuse/recycling bins so that they are no longer sited within the root protection area.

7.43 As to a former TPO tree on the site this was in respect of a Horse Chestnut which was felled due to its poor condition and replaced with a whip Oak tree. A recent inspection of this tree confirmed that it has died and from information provided, this tree perished before the applicant purchased the site. The intention is to replace this tree with a Hornbeam tree, as recommended by the Arboricultural Officer. Any replacement tree would be governed by its own TPO. As to the driveway, the existing hard surface would be retained to act as ground protection within the root protection areas for the retained trees on the eastern boundary for the duration of the development.

7.44 At the entrance to the site on the eastern side is a Group TPO, which is made up of Hawthorn, Ash, Hazel and Elm. No works are proposed to these trees, which would be protected during the development by a condition, as would the protected Common Oak at the vehicular entrance to the site.

7.45 The trees to be removed, which are set out as follows, have been identified either as Category C (C) which are trees of low quality or Category U (U), which are trees considered to be unsuitable for retention.

- G2, which includes Ash, Prunus, Laburnum – western boundary - C
- H3, Privet and Laurel hedge - western boundary - C
- T3, Myrobalan Plum – to south of site - U
- T4, Common Laburnum – to south of site - U
- T5, Common Oak – western boundary - C
- T6, Common Ash – western boundary - C
- T7, English Elm — western boundary – U
- T8, Sycamore – northern boundary - U

7.46 The Council's Arboricultural Officer (AO) has been consulted over the proposal and raises no objection to the removal of the above trees and hedgerow, which are not visible from the public realm. However, the AO has recommended that additional tree protection measures are included around the protected Common Oak tree at the entrance to the site and changes to the landscape proposal, with the proposed Alder to be replaced with a Holly tree and additional trees and hedging such as Birch and Beech along the western boundary. An amended plan has been received incorporating these changes. Conditions to secure the protection of the trees, replacement planting and landscaping are recommended.

(vi) Impact on ecology

7.47 Representations have been received regarding the loss of biodiversity by the removal of trees and hedgerow and the adverse impact on birds and bats.

7.48 Accompanying the application is a Biodiversity/Ecological Assessment, which states:

*“There will be a loss of some existing soft landscaping but to mitigate this, the proposals here included would not materially impinge on the main garden open space but would utilise the perimeter to provide zone of habitation and feeding opportunities*

*for the natural wildlife of the area.”*

- 7.49 The Council's Ecologist has been consulted over the proposal and having reviewed photographs of the site, the above Assessment and the Arboricultural report is of the view that the site is “... *not considered to be of ecological value*”. As to the trees to be felled, these: “...*are not likely to have bat roosting features given their size, management and maturity.*” The Ecologist advises that if permission is granted a nesting bird informative is added to the decision notice and the following condition:

*“Development shall proceed in accordance with the European Sites Avoidance and Mitigation Checklist and recommendations made within the Biodiversity Assessment report. In addition, a bat roost enhancement shall be included within the new roof design or to a mature tree.*

*Reason: To ensure biodiversity is protected and enhanced in accordance with the Wildlife and Countryside Act 1981, Habitat and Species Regulations 2017, NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.”*

- 7.50 If permission is granted the above informative and condition are recommended.

(vii) Flood Risk & Drainage

*Flood Risk & Surface Water*

- 7.51 Representations have been received regarding localised flooding within garden areas.
- 7.52 The site falls wholly within Flood Zone 1. Overall, the development is a low flood risk (less than 0.1% AEP) and so is suitable for the residential development proposed. Based on current information, the site would remain in Flood Zone 1 with climate change in 2115.
- 7.53 Surface water would be disposed of by a soakaway, for which Building Control approval would be required.
- 7.54 Southern Water has been consulted over the proposal raising no objection but advising that “*The Council’s Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development*”. Building Control has not raised any objection to the proposal, which would fall within the remit of a Building Regulation application.
- 7.55 As to the Council’s Drainage Team they were consulted raising no objection to the proposal, whilst advising that flooding has occurred in the past relating to an adjacent property.

*Foul Drainage*

- 7.56 As to foul drainage for the development this would be discharged to the public foul sewer, for which a formal application for a connection would be required from Southern Water. If permission is granted an informative to this effect would be included in the decision notice.
- 7.57 Overall the proposal is considered to accord with policy CS15 of the Core Strategy.
- (viii) CIL
- 7.58 The application has applied for self-build exemption under the CIL Regulations.

Therefore, if this exemption is secured, a CIL contribution would not fall due for the proposed development.

## **8 Conclusion**

- 8.1 It is acknowledged that the development of an additional residential unit on the site would be likely to lead to a more intensive use of the land, resulting in some existing tree and hedgerow loss, an increase in vehicular trips and a possible rise in activity on the site. However, the site is of a size to comfortably accommodate the proposal together with the associated activities in a sustainable location, without adversely impacting on neighbouring residential amenity or impacting on the character and appearance of the area.
- 8.2 The proposal would add a very modest addition to the Council's housing figures which is supported at both the local and national level. The provision of car parking for both the host dwelling and the proposal accords with Havant's Design Guide SPD and the access to the site is considered acceptable on highway safety grounds. The proposal is acceptable in drainage and flood risk terms and the landscape and ecological measures are appropriate for the development. Therefore, the development is considered to accord with the development plan when considered as a whole and the National Planning Policy Framework and conditional planning permission is recommended.

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## **9 RECOMMENDATION:**

That the Executive Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00112 subject to the following conditions:

### **1 GENERAL**

The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

#### **Plans**

Site Location & Block Plan - Drawing No. 172 TD24

Site Layout Plan - Drawing No. 172 TD20

Proposed New Dwelling - Drawing No. 172 TD 21

Landscape - Drawing No. 172 TD 20C

Tree Protection Plan - Drawing No. Arbtech TPP 01

Arboricultural Impact Assessment - Drawing No. Arbtech AIA 01

#### **Documents**

Arboricultural Survey by Arbtech, dated 08 November 2022

Design & Access Statement

Highway Report

European Site Avoidance & Mitigation Checklist  
Occupancy Calculator  
Solent Nutrient Budget Calculator  
Biodiversity/Ecological Assessment

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

- 3 Development shall proceed in accordance with the European Sites Avoidance and Mitigation Checklist and recommendations made within the Biodiversity Assessment report. In addition, a bat roost enhancement shall be included within the new roof design or to a mature tree.

**Reason:** To ensure biodiversity is protected and enhanced in accordance with the Wildlife and Countryside Act 1981, Habitat and Species Regulations 2017, NERC Act 2006, NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, or rear dormers in 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 amenities of the neighbouring properties and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 5 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the buildings hereby permitted the window in the first floor in the rear east elevation 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

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

- 7 No development shall start on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- (a) The provision of long term on site facilities for contractor parking;
- (b) The arrangements for deliveries associated with all construction works;

- (c) Methods and phasing of construction works;
- (d) Access and egress for plant and machinery;
- (e) Protection of pedestrian routes during construction;
- (f) Location of temporary site buildings, compounds, construction material and plant storage areas;

Construction work shall only take place in accordance with the approved method statement.

**Reason:** In order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Survey by Arbtech dated 08 November 2022 and the Tree Protection Plan, Drawing No. Arbtech TPP 01 and the Landscape - Drawing No. 172 TD 20C shall be fully implemented and retained during the course of the development. There shall be no excavations, storage of materials or machinery, parking of vehicles or fires within the ground protection areas. The development shall be carried out strictly in accordance with the submitted details.

**Reason:** To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 9 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(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

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

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

(b) All measures necessary to meet the approved water efficiency calculation have been installed.

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

- 11 Prior to the occupation of the development full details of the Electrical Vehicle Charging point and its location shall be submitted to and approved in writing by the Local Planning Authority. The Charging point shall be installed in accordance with the approved details prior to the occupation of the dwelling and retained at all times thereafter.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS14 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 Prior to the occupation of the development hereby permitted details of the photovoltaic panels for the dwelling's roof shall be submitted to the Local Planning Authority in writing for approval. The approved scheme shall be implemented prior to the occupation of the development.

**Reason:** In the interests of energy efficiency having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 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.

#### **POST OCCUPANCY**

- 14 The landscaping works shown on the approved plans (Landscape Drawing No. 172 TD 20C), shall be carried out in accordance with the approved details and within the first planting season following final occupation of the development hereby permitted. Any trees or shrubs planted or retained in accordance with

this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

- 15 The Hornbeam Tree shown on Landscape Drawing No. 172 TD 20C which is a replacement for a tree covered by a Tree Preservation Order, shall be planted in accordance with the approved details and within the first planting season following occupation of the development hereby permitted. If the replacement protected tree dies, another tree shall be planted, following agreement with the Local Planning Authority.

**Reason:** To ensure the replacement of the tree covered by a Tree Preservation Order having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 16 At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

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

## **Appendices**

- (A) Location Plan
- (B) Site Layout Plan
- (C) Proposed Elevations & Floor Plans
- (D) Perspective Views of Dwelling
- (E) Access & Visibility Plan
- (F) Swept Path Tracking Plans
- (G) Tree Protection Plan