

DELEGATED OFFICER REPORT

Site Address:	286-288 London Road, Waterloooville, PO7 7DS		
Proposal:	Application for the conversion of 1No flat to form 2No flats (net increase of 1).		
Application Type:	Full Planning Permission		
Application No:	APP/24/00942	Expiry Date:	04/02/2025
Applicant:	Mr Schneck		
	Mountley Ltd		
Agent:	Mr Allen	Case Officer:	Tina Pickup
	Allen Planning Ltd		
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This application site relates to a large, three storey, previously vacant building located on the south east side of London Road, Waterloooville. This site is located within Waterloooville Town Centre and the site frontage, facing the pedestrianised part of London Road, forms part of the primary shopping frontage (policy AL3). At ground floor level the site previously housed Peacocks retail unit, which was vacant for a long time, but is now currently occupied by 'The Junk Emporium'. To the rear of the site is the Dukes Walk Service Road where the building overhangs at first and second floor level.
- 1.2 The building is predominantly constructed of pale red brick, and had some existing windows in the rear elevation at first and second floors, but the side elevations were originally blank. The front, to London Road, had some old concrete style cladding at upper floor level, which also had no windows. There is a mansard style front to the otherwise largely flat roof.
- 1.3 Where the upper floors overhang the ground floor at the rear, is some limited on-site parking and rear access. Otherwise the building is constructed up to the boundaries of the site.
- 1.4 The planning history is notable in this instance. Under APP/22/00741 a series of windows and 2 front dormers in the mansard were approved, as a material change to the external appearance of the building, even though the end use of the upper floors was not known. Then a Prior Approval application APP/22/01165 was submitted to change the use of the upper floors to 21 flats. After negotiations regarding light to habitable rooms this was subsequently amended to 17 flats. A formal decision notice was not issued within appropriate time scales and deemed consent became implicit on 28/2/23, based on the amended details held at that time. The windows in the layout plan for the 17 flats coincided with the position of the windows approved by APP/22/01165.

- 1.5 In the meantime a further application for some additional windows, was submitted and approved under APP/23/00403 (subsequently amended by APP/24/00041), followed by another Prior Approval application to add one additional flat in part of the second floor (APP/23/00528 refers). Then APP/24/00533 was submitted as the Regulation 77 application to secure the appropriate mitigation required under the Habitats Regulations for the 17 flats, required before commencement.
- 1.6 Works have since commenced on site to implement these consents and all new windows and external alterations appear complete. This application seeks planning permission to change the approved 2 bed flat on the first floor, into two 1 bed flats instead. There are no associated operational development changes.

2 Relevant Planning History

APP/22/00741 - The creation of new windows, 2 dormers and external alterations to front elevation., PERM,17/11/2022

APP/22/01165 - Prior Approval for development consisting of a change of use of a building and any land within its curtilage from Class E (commercial, business and service) to Class C3 (dwellinghouses) to form 17 apartments at first and second floor levels., PANN,14/04/2023

APP/23/00403 - Installation of 9No windows including 2No on south elevation, 4No on west elevation and 3No on east elevation., PERM,05/07/2023

APP/23/00528 - Prior Approval for development consisting of a change of use of a building and any land within its curtilage from Class E (commercial, business and service) to 1No. flat Class C3 (dwellinghouses)., PAYA,22/09/2023

APP/24/00041 - Application to change the front façade incorporating removal of window at first floor and change to materials approved under Planning Permission APP/23/00403., PERM,21/03/2024

APP/24/00533 - Notification under Regulation 77 of the Conservation of Habitats and Species Regulations 2017: Permitted Development under Part MA of the GPDO for the change of use of Class E of the UCO to form 17 Apartments (LPA ref APP/22/01165)., PERM,16/09/2024

3 Proposal

Application for the conversion of 1No flat to form 2No flats (net increase of 1).

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Building Regulation consent will be required for this work

No comments at this time

Community Infrastructure

The application is not CIL liable because it is a sub-division of the existing residential floor area.

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 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/nitrogen-developers>

Biodiversity Net Gain

In England, biodiversity net gain (BNG) is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Developers must deliver a biodiversity net gain of 10%. This means a development will result in more, or better quality, natural habitat than there was before development.

More information is available:

<https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers>

There are some exemptions and if an exemption is claimed this must form part of the planning application submission.

Crime Prevention

None received

Hampshire Highways

The proposal relates to the subdivision of a single flat to provide a one bedroom flat and a studio flat. The Highway Authority are satisfied that the addition of a single flat, having regards to the location of the building, would not be likely to result in any significant impact on the operation and safety of the local highway network and would therefore recommend –

No objection (no conditions)

Natural England Government Team

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution(s) which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s).

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

A lack of objection does not mean that there are no significant environmental impacts.

Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted.

Nutrient Team

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

Southern Gas Networks - stage 1

Plan provided showing low pressure and medium pressure mains in London Road at front of site; No mechanical excavations within or above 0.5m. Safe digging practices should be followed.

Officer Note - this application relates to the conversion of a second floor flat only, with no groundworks involved

Waste Services Manager

None 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: 25

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

7 **Planning Considerations**

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and Parking
- (v) Biodiversity Net Gain (BNG)
- (vi) Compliance with Habitat Regs
- (vii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The Council's Five-Year Housing Land Supply, updated December 2024, indicates the Borough's housing land supply position as 1.8 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc. It is accepted that the proposal would result in a net gain of 1 residential unit within the main urban area of Waterloooville, which is a sustainable location, and would make more effective use of the land, and the proposal would make a modest contribution to housing supply. These benefits of the proposal must be afforded weight in the overall planning balance.

7.3 Current policies AL2 and CS17 direct development towards the built up urban areas, and encourage making the most effective use of land; and policy CS9 supports housing that achieves a suitable density that respects the surrounding landscape, character and built form. Policy CS16 seeks High Quality Design that respects its local context. These policies align with National Planning Policy Framework (NPPF) and should therefore be afforded weight in the determination of the application, as detailed below.

7.4 It is also noted that the site is located within Waterloooville town centre where policy CS4 seeks to promote the vitality and viability of the centre, retaining active ground floor frontages. It is acknowledged in the supporting text to this policy that residential development on upper floors can make efficient use of town centre land in providing inclusive mixed-use developments. It is considered that future occupiers would help support the vitality and viability of the centre and as such the introduction of an additional residential unit on the upper floors of this town centre site is supported in principle and compliant with policy CS4.

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

- 7.5 The site is within the town centre of Waterloooville and the external alterations associated with the conversion of the first and second floors as approved to date are already implemented, resulting in a significant visual enhancement of the site. As a significant building in the high street, this in turn helps improve the appearance of the wider street scene generally. This application for the subdivision of the approved two bed flat into two 1 bed flats, re-uses existing window positions and there is no need for any new openings.
- 7.6 Overall it is considered that the mixed use and appearance of the building would continue to be appropriate to the town centre site, and is therefore acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity or town centre mixed character of the locality.

(iii) Impact upon residential amenity

- 7.7 Since there is no proposed change to the windows in the buildings, there would be no impact on any neighbouring residential amenity from any changed outlook.
- 7.8 In terms of impacts for future occupiers, the plans show compliance with the Nationally Described Space Standards as one 1 bed 1 person flat having a floorspace of 37sqm with shower; and one 1 bed 2 person flat having a floorspace of 50sqm. Whilst no amenity space is provided, being within the town centre with easy access to all of the services and facilities of Waterloooville, then this is considered acceptable.
- 7.9 This application to subdivide one larger flat into 2 smaller flats is not considered to result in any harm to the amenity of either any nearby residents or future occupiers, and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Highways and Parking

- 7.10 As part of the negotiations made under APP/22/01165, provision was made for an internal bike store for 23 cycles, accessed off the rear service yard; together with an external bin store in this service area. The same plans are now submitted showing the same cycle storage and refuse area to serve the overall development which would now total 19 flats. No formal car parking would be provided, though the remaining rear service area could be used on an ad hoc basis for delivery, emergency vehicles etc.
- 7.11 The sites sustainable location within Waterloooville Town Centre with nearby amenities and public transport links is noted. The provision of secure cycle storage would encourage alternative methods of transport. The County Highway Authority has not raised an objection in terms of highway safety or capacity.
- 7.12 Whilst there is no on site parking provision, it is considered that the proposal for just 1 additional 1 bed flat in this town centre sustainable location would not result in any significant pressures for on street parking, nor any highway safety or capacity issues.

(v) Biodiversity Net Gain (BNG)

- 7.13 Biodiversity net gain (BNG) is a legal requirement for planning permission introduced for small sites such as this on 2nd April 2024. In this case the applicants have claimed an exemption from the BNG requirements due to the development proposal being a conversion of existing floorspace only.
- 7.14 Having given due consideration to the internal nature of the proposal, it is clear that no habitat will be lost as a result of the works. On this basis it is agreed that the development is exempt from BNG requirements.

(vi) Compliance with Habitats Regulations

- 7.15 The proposal would result in the net gain of one residential unit, which needs to comply with the Habitats Regulations. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of 1 No 1 bed unit.
- 7.16 Using Natural England's updated Methodology in January 2024, the planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.17 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £511.25 to address the potential recreational harm from the new development. Therefore it is considered that the recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, April 2023, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £1,024.66 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.
- 7.18 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment and raise no further objection. The Council's assessment as competent Authority under those regulations is included in the case file.

(vii) CIL

7.19 As there is no new floorspace the development is not CIL liable.

8 Conclusion

- 8.1 Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged which gives a presumption in favour of granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc. The subdivision of the previously approved 2 bed flat into two, 1 bed flats would result in a net gain of 1 residential unit in a sustainable location, which would make a more effective use of the land, and contribute to the Borough's housing need, representing a modest benefit. There would also be economic benefits arising from the conversion process and future spend of occupants; and a social benefit from the provision of a further dwelling in an established town centre sustainable location. It is considered that there are no identified adverse impacts arising from this development that would outweigh these benefits and therefore the tilted balance benefit of this development prevails.
- 8.2 The proposal meets the Habitats Regulations with recreational and water quality impacts adequately mitigated against. Overall the proposal is therefore considered acceptable and recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00942 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:

Planning, Design & Access Statement by Allen Planning Ltd, dated November 2024

Occupancy calculator dated 13/01/2025

Amended Solent Nutrient Budget Calculator on Council's website dated 15 January 2025

Site and Location Plan - Drawing Number JW1110-130

Proposed Floor Plans - Drawing Number JW1110-132 Rev C

Proposed Elevations - Drawing Number JW1110-133 Rev A

Refuse Store Details - Drawing Number JW1110-110

Reason: - To ensure provision of a satisfactory development.

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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.

- 5 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.