

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

3 Proposal

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).

4 Legislation and Policy Considerations

National Planning Policy Framework
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
The Conservation of Habitats and Species Regulations 2017
Position Statement and Mitigation Plan for Nutrient Neutral Development - Jan 2024
Solent Recreation Mitigation Strategy, Dec 2017

Havant Borough Local Plan (Core Strategy) March 2011

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Natural England Government Team

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England’s formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). With regard to National Site Network sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Nutrient Team

Confirm the HRA and all the documents submitted are acceptable and correct.

6 Community Involvement

N/A

7 Planning Considerations

- 7.1 The determination of this application falls entirely on compliance with Regulations 75 to 78 of The Conservation of Habitats and Species Regulations 2017 (as amended).
- 7.2 Appropriate and correct documents have been submitted, including: nitrogen budget calculator; water efficiency calculator; and Notice of Purchase of 9.53 nitrate credits from Warnford Park Estate. Together with appendices these documents adequately demonstrate that appropriate mitigation has been secured for the likely significant impact on water quality arising from the increase in wastewater from the increase in population. The third party scheme at Warnford Park, which has an overarching legal agreement with the Council, has been used to provide the appropriate mitigation for water quality for the development of 17 flats. This is based on the development achieving a water efficiency of 110 l/p/p/d and a water calculator has been provided demonstrating such compliance.
- 7.3 In addition the council has secured a monitoring fee of £381.20 for the monitoring in respect of Warnford Farm as an external site.
- 7.4 With respect to recreational pressures arising from the increase in population, the Council operates the Solent Recreation Mitigation Strategy in partnership with Bird Aware Solent. As part of this application the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £9,027.80 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.
- 7.5 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63(1)(a) of The Conservation of Habitats and Species. The screening 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 17 additional dwelling units.
- 7.6 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, as noted above. 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 and use of third party scheme at Warnford Park.
- 7.7 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.

8 Conclusion

- 8.1 It is considered that it has been adequately demonstrated that the proposal complies with Regulations 75 to 78 of The Conservation of Habitats and Species Regulations 2017 (as amended). As such written notification of the approval of the LPA under Regulation 77 can now be issued, and must include a copy of the representations made by the appropriate nature conservation body (i.e. Natural England) to comply with Regulation 77.

9 RECOMMENDATION:

That the Head of Place be authorised to for application APP/24/00533

(A) subject to the following conditions

- 1 The development has the potential to have a relevant effect on the integrity of European sites, including the Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar, and the Solent Maritime Special Area of Conservation (SAC). In accordance with Regulation 77 of The Conservation of Habitats and Species Regulations 2017, the Council has consulted the appropriate nature conservation body (Natural England) and has taken into account its representation. An appropriate assessment of the implications of the proposed development for the protected European sites has been undertaken in accordance with required conservation objectives and the Local Planning Authority concludes that with mitigation, the plan or project will not have an adverse effect on the integrity of the protected European sites.

A copy of the relevant nature conservation body's representation is included with this decision, in accordance with Regulation 77 of The Conservation of Habitats and Species Regulations 2017