# Appendix A

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| Site Address: | Land adjacent to 27 Emsworth Road, Havant, PO9 2SN | | |
| Proposal: | Erection of 1No two-storey building comprising 2No studio apartments (Use Class C3) with associated hard landscaping. | | |
| Application Type: | Full Planning Permission | | |
| Application No: | APP/22/01194 | Expiry Date: | 02/03/2023 |
| Applicant: | Mr Long | | |
| Agent: | Mr Russell | Case Officer: | Joseph Toole |
| Ward: | St Faiths | | |

Recommendation: **REFUSE PERMISSION**

## 1 Site Description

1.1 The site is located in a residential area of Havant on Emsworth Road, adjacent to a public house to the east and a block of 15No. two storey flats to the west. To the rear of the site is an area of gravel with washing lines used by the residents of the flats to the west, Bernard Powell House.

1.2 The site boundary to the west is a very low brick wall approximately 0.3 metres in height. Adjacent to this site boundary is a concrete footpath that provides residents of Bernard Powell House with access to the rear of the flats. The low brick wall continues along the northern site boundary to adjoin the eastern boundary. This eastern site boundary is an approximately 2-metre-high brick wall beyond which the side elevation is The Wheelwrights Arms. The Wheelwrights Arms has a first floor window and a door which overlook the site.

1.3 There is an area of land, of approximately 8 metres in depth, directly adjacent to the unmarked front boundary of the site and the public footpath. This land is not within the ownership of applicant and contains a road-side advertisement hoarding of approximately 11m in length and 5m in height.

## 2 Planning History

APP/10/00598 - Erection of 2No. 1 bed flats. (Resubmission.) REFUSED 18/11/2010

The reasons for refusal were:

1. Overdevelopment of the site which would have an adverse effect on the amenities of the occupiers of the proposed flats. The proposed layout would also result in inadequate cycle provision.

2. The proximity of the windows which serve main habitable rooms within the front elevation of the development to the advertisement hoarding located directly in front of the southern boundary of the site would severely affect the outlook from and light available to the future occupiers of both units. The location of the advertisement hoarding would also restrict the cycle and pedestrian access to the site.

3. Contribution towards the Hampshire County Council Transport Policy not met.

4. The proposed design and external appearance of the building is not of sufficient

quality and would be detrimental to the visual amenities of the streetscene.

## 3 Proposal

3.1 The proposal is for the erection of 1No two-storey building comprising 2No studio apartments (Use Class C3) with associated hard landscaping. The studio on the ground floor would be open plan with a living room, kitchen/dining room, bathroom and an external courtyard area. The studio on the first floor would also be open plan with a living room, kitchen/dining room, bathroom and an external balcony.

3.2 As mentioned in Section 2 planning permission was refused for the erection of 2No. 1 bed flats under planning reference APP/10/00598. This proposal differs from the previous having a different external appearance, internal layout and outdoor amenity space. It is worth noting this application raises different policy considerations following the adoption of the Havant Borough Core Strategy (2011), Havant Borough Design Guide SPD and Havant Borough Council Parking SPD (2016).

## 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

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| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS16 | (High Quality Design) |
| CS21 | (Developer Requirements) |
| CS9 | (Housing) |
| DM13 | (Car and Cycle Parking on Residential Development) |

Havant Borough Local Plan (Allocations) July 2014

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| 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

**Building Control, Havant Borough Council**
This work would require Building Regulation consent

No solid waste storage provisions have been indicated as required under AD H6

Provided bathroom window are less than 1 msq on West Elevation re boundary due to UPA this will be OK

Method of heating unknown and flues not shown theses should comply with AD J requirements

**Community Infrastructure, Planning Policy & Urban Design**
CIL Liable: http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule.

Additionally, pending a response from Natural England on the 'HRA?, instructions should be passed by the Case Officer to the CI Team to:
(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of 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

**Councillor Imogen Payter**
No Comment.

**Councillor Phil Munday - St Faiths**
No Comment.

**Councillor T Pike - St Faith's**
Please accept this email as my comments on the above application, and a request to red card the application should the officer be minded to recommend approval

I wish to see this application refused for the following planning reasons:

- the application is contrary to Policy CS16 High Quality Design.
- close proximity to Pub House is likely to result in neighbour issues and jeopardise a successful Pub House, contrary to Policy DM2.
- lack of outdoor amenity space not sufficient to provide a high quality environment for future residents
- having internal bike storage within rooms that barely meet the minimum requirements is likely to result in them not being used for this purpose. Not having appropriate cycle parking is contrary to Policy DM13

**Crime Prevention -Minor Apps**
No Comment.

**Developer Services, Southern Water**
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 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 supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such

systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:
water.org.uk/sewerage-sector-guidance-approved-documents/
ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

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

**Hampshire Highways**
I refer to the consultation with relating to the above planning application and would make the following comments.

As this relates to 2 x single person studio apartments with no vehicular access to the public highway, 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
Havant Borough Council, as Local Parking Authority, will consider the requirements for car and cycle parking having regard to the Adopted Parking SPD.

**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). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 17 January 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.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution 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.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Further Advice

Nutrient Budget – Bespoke Occupancy Figure

We note that an alternative occupancy figure has been used in the nutrient budget calculation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority.

Natural England's advice is to take a precautionary approach that recognises the uncertainty.

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.

**Norse South East, Operations Director**
No Comment.

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

The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,000 per kilogram of nitrogen (as at 18/11/22). In addition, 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.

**Havant Civic Society**
Object to this application, which we believe should be refused. The reasons include:

- shoehorn proposed building into a small unsuitable site
- limited outlook due to hoarding board
- only just over national space standards requirements
- balcony would cause overlooking
- limited amenity space
- nosy ventilation/air conditioning equipment on the adjacent Pub House
- no parking provision
- previously refusal APP/10/00598 not overcome
- insignificant in adding to Council housing targets

**Environment Health**
The application site comprised a mixed residential and commercial environment. There is a public house within closed proximity to the proposed development. Potential background noise seems relatively and could result in loss of amenity by the future occupiers. Sufficient information has not been provided to demonstrate that the future will not suffer from excessive. Accordingly, we advise that whilst the application site may be suitable for its intended use, should the application be granted, the following condition should be imposed.

Noise Assessment Condition

Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve 'Good' internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport & commercial noise sources.

Sound Insulation Condition

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w and L'nT,w of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise

Construction/Management

No development shall commence, including any demolition and site clearance works, until a Construction Management Plan (CMP), to include details of: (a) provision of boundary hoarding; (b) hours of operation; (c) means to control dust and emissions to

air; (d) means to control noise and vibration has been submitted to, and approved in writing by, the Local Planning Authority. The CMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties and to minimise the impacts on local air quality.

In terms of land contamination matters, my colleague may provide further comments under a separate consultation response.

Artificial Lighting Condition

Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained, and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment, and local residents from light nuisance

**Environmental Control**
Air Quality Relevant Features (Parking, Sustainable & Active Travel)

I consider that the nil quantum of development parking may be supported on air quality grounds, based upon the distance to transport hubs for sustainable modes of travel (bus & rail) being <900m. The range of retail & leisure services available within walking distance also supports.

It is noted that a previous reason for refusal was 'inadequate provision for cycle parking'. In this respect, I would question the adequacy of an internal wall-mounted rack for the 1st floor unit. Whilst I note that the length of the landing is just adequate to allow the access door to be closed and secured without the cycle needing to rest upon stair 12, the stairs still represent an awkward obstacle to negotiate with a cycle. This is especially so as the stairs contain a 90 degree turn.

This makes it likely that related damage will occur (pedals & bars catching on corners, tyre marks on walls etc.), and given the intended tenure, the tenant of the 1st floor unit is not unlikely to be at greater risk of deposit being taken to undertake remedial work.

In order for cycling to be a convenient (and in the absence of a vehicle parking space, the obvious-) choice for journeys outside of the acceptable-walking-distance isopleth, it is considered that externally accessed ground-floor cycle storage should be provided for both units.

I note that whilst there is available undeveloped land which could accommodate such a store, the applicant has not identified any 'blue line' land. It does however seem somewhat unlikely that the/a purchased plot would correspond precisely to the supplied red-line plan (Drawing 22.3361.100). NPPF Para 112 a), and HBC Parking

SPD Para's 4.13, 4.14 & 4.16, DM11 2., & DM13 relate, and it is considered that the proposed provision could be material to in-principal acceptability.

Contamination/Land Quality

The site is acknowledged to be brownfield. Prior use is unknown but the form of the development would suggest a commercial use is not considered to be unlikely given; that the form of the building differs from the residential terraces to it's West, that there is a substantial extension shown to the rear, the plot size & arrangement, and that an access to Emsworth road is maintained.

A search of planning records has shown the site to be associated with applications for a petrol retail use, however it would also appear that all related applications were refused. The form of the site would suggest that no such use was implemented, and it is noted that the 1956 application document refer to the transfer of existing petroleum retail facilities nearby (East Street) to this site to mitigate mounting congestion issues. This suggests that existing (small scale) petroleum retail is unlikely to have been associated with this specific site prior to the 1950's applications.

The use is new residential and contaminated land policies do apply. I also note that the ground floor unit includes a private amenity space. The ratio of it's depth to the height of the proposed enclosure would however tend to discourage recreational use, and both the height & density of the proposed enclosure, together with the oversailing balcony above-, would tend not to favour any cultivation, particularly for edibles. It is assumed that the space will be hard landscaped, for storage and perhaps to accommodate a bistro set or similar.

The form & intended tenure of the proposed development is also noted, and I would agree that a single parent or young family is not likely to favour studio accommodation (noting that the single bed shown could easily be substituted for a double, either on initial development or subsequently, without it raising any material planning issues).

In consideration of the above, along with the lack of a specifically-identified potentially-contaminating land use, a proportional response would probably be to impose a contamination watching brief as a compliance condition, rather than to require any proactive assessment of soil quality.

Therefore, in the event that the planning service is minded to grant consent for this development I would recommend that the following condition be applied to ensure compliance with policy DM17, and NPPF para's 183-184.

Condition 1 [Contamination Watching Brief]

"Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (significant made soils, or any obviously contaminated, stained, discoloured or odorous soil/groundwater) or any significant buried waste material is encountered; works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless

specifically excluded by agreement shall include;

1)Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,
2)An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
3)Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A) A written statement confirming that no suspected contamination was identified during development, OR;
B) Documentation in accordance with 1) & 2) above; together with a Verification Report (where appropriate) which demonstrates that the agreed remediation objectives (3)) have been met.

Reason: Site investigation has identified that discrete deposits of contaminating material / contaminated soils may be present at the site which could pose a risk to future occupiers of the site or to the local water environment. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021."

## 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: 29

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 20

| Comment | Officer Comment |
|---|---|
| No parking provision would lead to parking issues in the area<br><br>No provision for waste - plastic bag on collection day would attract vermin<br><br>Noise from extraction and ventilation equipment from Pub House would be noisy for occupiers of the units | Please see Section 7. |

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| Bulk and scale of the building would create an alley way<br><br>Outlook partly blocked from hoarding board<br><br>Overdevelopment of the site<br><br>Overshadowing surrounding area<br><br>Overlooking and loss of privacy to surrounding properties<br><br>Land would be better used as a car park for the Public House<br><br>Excessive height would appear incongruous to adjacent Public House | |

## 7 Planning Considerations

### 7.1 Habitat Regulations Assessment & Appropriate Assessment

7.2 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

7.3 However, the applicant has not provided a package of avoidance or mitigation measures aimed at removing the significant effects. As a result, the HRA concludes that the planning application would be likely to lead to significant effects on several European Sites (these are specified in the HRA). The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who advised that subject to securing appropriate mitigation no objection to the proposal. Such mitigation has not been secured, therefore the planning application cannot be lawfully permitted.

7.4 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) Nature of development
(iii) Impact upon the character and appearance of the area
(iv) Impact upon residential amenity of surrounding properties and Public House
(v) Impact on amenity of future occupants
(vi) Access and Parking matters
(vii) Waste and Refuse matters
(viii) Community Infrastructure Levy

(i) Principle of development

7.5 The application site is situated within an urban area where further development is considered acceptable in principle, subject to the usual development control criteria. The NPPF supports sustainable development with three aims: the economic; social; and environmental objectives. Havant Borough Council development plan comprises the Hampshire Minerals and Waste Plan; the Local Plan (Core Strategy) 2011 and the Local Plan (Allocations) 2014 and in accordance with paragraph 11 of the NPPF decisions should be made in accordance with the development plan.

7.6 It is noted that the Council's Five Year Housing Land Supply Update (March 2023) shows that the Borough has 1.81 years housing land supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where there are relevant policies of particular importance that are a clear reason for refusing the application or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.7 This material consideration is balanced against the topics discussed in detail below.

(ii) Nature of development

7.8 Within the National Planning Policy Framework July 2021 it states decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy CS16 of the Havant Borough Core Strategy 2011 states planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design responds positively to existing features of natural, historic or local character within or close to the proposed development site.

7.9 The proposed development would have a large footprint in relation to the size of the application site. As a result, it is considered to have a cramped and congested layout on a site of insufficient size, only offering a small area for amenity space. Therefore, the proposal is considered to be an overdevelopment of the site which would be contrary to Policy CS16 of the Havant Borough Core Strategy (2011) and the advice in Chapter 12 of the National Planning Policy Framework which requires quality development.

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

7.10 The proposed development would have brown facing brickwork and decorative brickwork feature band with concrete roof tiles. Furthermore, the design is considered to be of modern contemporary in nature. These materials are considered to be appropriate within the context of the area.

7.11 The building will be hidden from view from some vantage points within the streetscene, (particularly looking westwards towards Havant Town Centre), due to the road side advertising hoarding which is not within the curtilage of the site and is to remain in situ. However, it is considered that this siting of the building behind the hoarding would appear incongruous and that the available glimpses of the building behind the hoarding would appear as an inappropriate form of development.

7.12 The proposal is considered to have a significantly and demonstrably unacceptable impact on the character of the area contrary to Policy CS16 of the Havant Borough Core Strategy (2011).

(iv) Impact upon residential amenity of surrounding properties and Public House

7.13 The proposal is not considered to have a negative impact on the properties opposite in terms of overlooking, appearing overbearing or resulting in the harmful loss of light.

7.14 On the east side facing the Wheelwright Arms (Public House) there would be no windows or other openings. Due to the size and position of the building it is not considered to appear overbearing or result in the harmful loss of light on the Public House.

7.15 On the west side is Bernard Powell House there would be a window on the ground floor and a window on the first floor both serving bathrooms for the proposal. These can be controlled by condition in terms of being obscurely glazed and non-opening below 1.7 metres in floor height thus not considered to cause harmful overlooking, if permission was granted. Bernard Powell House's occupiers have an amenity space for washing lines to the rear of the application site. Whilst views would be created to this area it is not considered to overlooking to their private amenity space. There would be 1.8 metre high screens on the sides of the balcony therefore it is not considered to cause harmful overlooking into the rear windows of Bernard Powell House. If planning permission is forthcoming a condition for 1.8 metre high obscure glazed screening to be erected on the western boundary of the balcony to reduce overlooking would be recommended.

7.16 The proposed balcony and doors on the first floor of the building would also face out onto the rear of the properties along Oaklands Road. It would be over 30 metres away from the rear walls of Nos. 10, 12 and 14 Oaklands Road thus it is not considered to cause harmful overlooking in line with the Havant Borough Design Guide SPD.

7.17 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy 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).

(v) Impact on amenity of future occupants

7.18 In terms of the living conditions for future occupiers the proposed Gross Internal Area accords with the Government's Technical Housing standards - national described space standard. However, it is considered that the cramped nature of the property within the plot with very limited amenity space would give rise to poor living conditions for the future occupiers.

7.19 Directly to the southern site boundary is an area of grass containing a large roadside advertising hoarding. As this area of land is outside the ownership of the site, the future applicant, or future owners, on the current information, would have no control over the continued siting of this advertisement hoarding. The hoarding would be located a minimum of 4 metres and a maximum of 7 metres away from front windows of both the proposed units. Details were provided showing shadowing of the advertisement hoarding in relation to the proposed studios. Whilst it does show that for some of the day the advertisement hoarding would not directly overshadow the

proposed studios, it would cause overshadowing at certain times of the day. Despite the fact the layout of the proposed studios would be open planned, due to the hoardings close proximity it would detrimentally impact the outlook and light into the front of the proposal, which is south facing. This is considered to have an unacceptable impact on the living conditions for the future occupiers of the units.

7.20 The proposal would be located within proximity to the Public House to the east side. Under planning application reference APP/14/00102 planning permission was granted for a side extension along the boundary closest to the application site, which was implemented. The proposed studios would also be located close to the outdoor amenity space for the Public House and their air conditioning units. The Council's Environmental Health Team was consulted on the application and suggested a number of conditions for the proposal to be deemed acceptable, and if permission was to be granted these would be recommended.

7.21 Overall the proposal would have a significant and demonstrably harmful impact on the living conditions for the future occupiers and would not constitute quality development, contrary to Policy CS16 of the Havant Borough Council Core Strategy (2011) and the National Planning Policy Framework.

(vi) Access and Parking matters

7.22 Under the previous application APP/10/00598 it was considered that because of the parking restrictions around the site it was difficult to argue that the lack of parking would lead to highway parking problems. The report went on to say although the site is outside of the Havant Town Centre Public Transport Accessibility Boundary it is not far from the boundary and has a bus stop almost directly outside. As such, it was considered that the application should not be refused on the grounds of insufficient on site vehicular parking.

7.23 Since the refusal of planning permission under reference APP/10/00598 the Council adopted the Havant's Parking Supplementary Planning Document (ie adopted 27 July 2016 with section updated on 25 September 2019). This SPD is a material consideration to the determination of the proposal.

7.24 The proposal does not include on site vehicular parking provision, which does not accord with the Havant's Parking SPD, which states 2 car parking spaces need to be provided on site for 2, 1 bed units. However the site is close to the Havant Town Centre Public Transport Accessibility Boundary, there is a public car park (Town End) which is nearby, it is closely located to both Havant and Warblington railway stations and there is a bus stop directly outside. As such the site is considered to be located within a sustainable location and on balance the lack of car parking would not justify a planning refusal.

7.25 To accord with the Havant's Parking SPD for cycles, 1 long stay space needs be provided per unit. A cycle is shown stored under the stairs on the ground floor studio, and the first floor studio, following amended plans, would have access to a secure bike store to the front of the apartment building. Therefore, in respect of cycle provision, the proposal complies with Policy DM13 of the Havant Borough Council Core Strategy (2011).

(vii) Waste and Refuse matters

7.26 Originally waste and refuse would be within the kitchens and put into bags and placed

to the front of the highway on collection day. This was considered to be unacceptable due to concerns around increase vermin and littering concerns. This has been addressed by the shared storage for domestic and recycled bins to the front of the proposed development which is considered acceptable.

(viii) Community Infrastructure Levy

7.27 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant.

7.28 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable, and the appropriate forms have been submitted. The proposed total gross floor area would be 77 sqm. which would generate a total CIL liability of £12,203.13. The applicant has not claimed relief, assuming liability.

## 8 Overall Conclusions and Final Planning Balance

8.1 The proposal conflicts with the development plan as a whole. However, whilst the importance of the plan-led system is recognised, it is necessary to consider whether there are material considerations of sufficient weight or importance to indicate that the decision should be made other than in accordance with the development plan.

8.2 The site is located within a mainly residential area with some commercial development, within a sustainable location with access to shops and services, for which modest weight is given. The proposal is not considered to be a quality development, as required by adopted policy and the National Planning Policy Framework, due to the overdevelopment of the site, its incongruous siting behind a large advertising board, which would have a detrimental impact on the locality and on future occupiers by reason of outlook and loss of light, to which significant weight is given. The lack of car parking in this location is given moderate weight. The very small contribution to the Council's housing stock, is also given modest weight. As to the lack of mitigation for nitrates and the Solent Recreation Mitigation Strategy, which for the former, means the proposal cannot legally be granted, significant weight has been given. Therefore, when balancing the competing aims and having due regard to the advice in the National Planning Policy Framework at paragraph 11b, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits. Therefore, refusal of permission is recommended.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/22/01194 for the reasons set out below

1 The proposal is considered to be an overdevelopment of the site due to its cramped and congested layout on a site of insufficient size, which would result in poor living conditions for future occupiers. This would be contrary to Policy CS16 of the Havant Borough Council Core Strategy (2011) and the National Planning Policy Framework.

2 The proposed is considered to appear incongruous and the available glimpses of the building behind the hoarding would be an inappropriate form of development. This would be contrary to Policy CS16 of the Havant Borough Council Core Strategy (2011) and the National Planning Policy Framework.

3 The close proximity of the hoarding to the south of the proposal would have a significantly and demonstrably unacceptable impact on the living conditions of the future occupiers of the units by reason of overshadowing/loss of natural light and poor outlook. This would be contrary to Policy CS16 of the Havant Borough Council Core Strategy (2011) and the National Planning Policy Framework.

4 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken in relation to this planning application. The development would be likely to result in increased recreational pressures from future residents and impact on the water environment and as such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) 2014, policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.