
Site Address: 95 North Street, Emsworth, PO10 7PQ
Proposal: Change of use from use class E (Drinking Establishment), with guest rooms and ancillary manager accommodation to use Class C3 Residential to provide 7No. self-contained units of supported living flats with internal and external alterations
Application Type: Full Planning Permission
Application No: APP/22/00974 Expiry Date: 23/12/2022
Applicant: Mr Warr
Purpose Social Homes Limited
Agent: Mr Benn Case Officer: Lesley Wells
RBA Architects Limited
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 95 North Street is located at the junction of North Street and Sultan Road, opposite the Emsworth railway station. The premises, over 3 floors, is a public house, with 5 guest bedrooms and a manager's flat, which is currently closed. There is no onsite car parking associated with the public house.
- 1.2 As to the rear, following the demolition of associated outbuildings planning permission was granted for the erection of 2No. 2 bed dwelling on 6/11/2017. This permission is currently being built out.
- 1.3 The site falls within Flood Zone 1, and would remain so in 2115, with climate change. The proposal has an internal floor area of approximately 402 sqm.

2 Planning History

01/63424/000 - Installation of two windows to ground floor, side (north) elevation., PERM,19/06/2001
06/63424/001 - Replace pan tiles to roof., PERM,04/12/2006
07/63424/002 - Retention of refrigeration unit. Resited to east elevation and enclosed with insulation board. , PERM,15/08/2007
09/63424/003 - Enclosure of the front forecourt including the erection of 0.9m high railings positioned above the existing 0.4m high boundary wall, erection of 0.4m high conifer planters above the existing brick piers and the erection of 1.3m high railings and iron gate in between the existing brick piers and boundary wall and the erection of 1No. retractable awning to the north side of the front entrance. , PERM,02/02/2010
APP/16/00821 - Demolition of existing rear outbuildings, erection of 4No. three storey townhouses with parking and raise height of existing pub roof to form 1No. self contained flat to second floor roof area., REF,18/10/2016
APP/16/01311 - Raise roof height and form 1No. self contained manager's flat to second floor roof area with new internal stairwell from first floor, PERM,14/03/2017
APP/17/00567 - Demolition of existing rear outbuildings, erection of 2No. 2 bed dwellings (Revised submission).(06.11.17). Request to discharge conditions 3,7 & 9. (10.02.21)., PERM,06/11/2017
APP/18/00057 - Retrospective planning permission for existing timber screen enclosure to refuse bins, awning to south wall on front elevation, external lighting, wall heaters and CCTV camera to front (west) forecourt area of Public House., PERM,05/04/2018

APP/18/00535 - Application to remove Condition 5 of Planning Permission APP/16/01311 and variation of Condition 6 of Planning Permission APP/16/01311 relating to alterations on the south elevation comprising removal of access door onto flat roof area and insertion of 2No. AOV obscurely glazed windows. , REF,24/07/2018
 APP/18/00665 - Demolish existing outbuildings to ground/first floor at rear of site and construct 2No. new two bedroom houses with off road parking., REF,22/08/2018
 APP/19/00044 - Retrospective application to raise height of existing roof to main building and carry out loft conversion to form replacement living accommodation for owner (manager), linked with existing pub and hotel below (revision to previous planning permission APP/16/01311)., PERM,06/03/2019
 APP/19/01238 - Non material change relating to reduction in width of plot from 11.65 m to 9.95 m., PERM,17/01/2020
 APP/21/00347 - Application for Non-material amendment to Planning Permission APP/17/00567 relating to alterations to the external fenestration on the south and north elevations to allow for the changes to the internal layout., REF,18/05/2021
 APP/22/00153 - Removal of conditions 5 and 6 of Planning Permission APP/17/00567 relating to alterations to the external fenestration on the south and north elevations to allow for the changes to the internal layout., DEL,

3 Proposal

- 3.1 Change of use from use Class E with 5 guest rooms and ancillary manager's accommodation to use Class C3 Residential to provide 7No. self-contained units of supported living flats, with internal and external alterations.
- 3.2 The proposal would be for 6No., 1 bed flats, with 1No. studio flat. A Communal Lounge with access to a courtyard and a Support Worker's room providing overnight accommodation are proposed at ground floor, together with internal alterations to accommodate the development.

The external alterations include:

New dormer roof, with automatic opening vent on roof as shown on south elevation
 Additional velux window in roof on south elevation
 Door removed on 1st floor of east elevation, with wall to be made good matching existing
 Door replaced with window to match existing on west elevation
 Flat roof to be removed at ground floor to create courtyard

- 3.3 As with the existing public house no parking provision is provided within the application site. As to cycle provision this would be provided together with bin storage within a small area on the west elevation facing North Street.

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) |
| CS16 | (High Quality Design) |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |

CS9 (Housing)
DM11 (Planning for More Sustainable Travel)
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)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_M1 (Cycle Storage Provision)
ENP_D1 (General Design Policy)
ENP_L1 (General Housing Policy)
ENP_L3 (Independent Living)

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

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council - Final Comment

The agent and their acoustic advisor may be correct in their assessment of how the separating wall will act with regards to compliance with the Building Regulations. The Rockwool data sheet also indicates that the proposed acoustic upgrade would provide adequate sound reduction. The proposal will be assessed in full once a Building Regulation application has been submitted, however the only option available for showing that compliance with Requirement E1 has been achieved for dwellings formed by change of use is by pre-completion sound testing. If the sound test shows that compliance has been achieved, that would be accepted.

Officer Comment: *The adequacy and approval of the sound reduction measures, would fall under Building Regulations.*

Building Control, Havant Borough Council - 1st Comment

Building Regulation consent will be required for this work

Solid waste storage should comply with AD H6 requirements. Also consider bins to be within locked area so consider arson and approximately to Flat 1 window

Mechanical ventilation provisions to consider location of party walls (re fire and sound issues) when going to fresh air

Velux in staircase to Flats 6 & 7 should be opening vent in accordance with AD B (smoke vent)

Due to height and number of flats 2 door fire protection should be afforded to escape route within each flat Please indicate compliance with notes on what are fire doors.

Officer Comment: *The agent has advised that the above matters will be covered at the detailed design stage, via a Building Regulation application. A Fire Strategy, will address the nature of occupation, will also be drawn up specifically to address all aspects of fire risk and fire safety management for the completed building.*

Community Infrastructure

CIL

As the application is providing supported living for residents for the use described in the supporting information this could be regarded as Extra Care Accommodation and would not be CIL Liable with the potential exception of the managers flat. However, the development site has the same existing gross internal area to the total gross internal area proposed and the building was until recently a Public House, so therefore no CIL will be due.

S106

The need for a S106 could arise out of further consultee responses, however we would expect this application to need mitigation in respect of the Solent Recreation Mitigation Strategy and Nutrient Neutrality. This can be addressed through a Unilateral Undertaking.

The Case Officer would need to consider the ("Definitive") Solent Recreation Mitigation Strategy (SRMS), details accessed from:

www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy

See extract taken from the strategy below, particularly in respect of staff living on-site:

6.9. The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key 'test' is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s). For example, in respect of residential

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accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties.

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The current scale of charges is available on our website using the link above. The rates are indexed 1 April each year.

Nutrient Neutrality

See the Council's Position Statement on Nutrient Neutrality

<http://www.havant.gov.uk/nitrogen>

And 'Guidance for developers': <https://www.havant.gov.uk/nitrogen-developers>

SEE THE HBC DEVELOPER CONTRIBUTIONS GUIDE FOR ADDITIONAL INFORMATION:

Latest version accessible from:

<https://www.havant.gov.uk/community-infrastructure-levy>

If a more expansive S106 agreement is necessary there are HBC monitoring fees to be considered for any HBC 'Heads of Term', see below for detail. There may also be HCC monitoring fees.

HBC Monitoring Fees: As part of the 'Heads of Terms' it would be necessary to include monitoring fees. The amended CIL Regulations effective 1/9/19 regularise the collection of S106 monitoring fees. We already have an agreed schedule of charges and these are currently as follows:

- £798.00 per non-financial head of term (outside the scope of VAT)
- 5% of cost per financial head of term (outside the scope of VAT)

Councillor Julie Thain-Smith - No Comment

Councillor Lulu Bowerman - No Comment

Councillor R Kennett - No Comment

Developer Services, Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.
 - No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewer without consent from Southern Water.
 - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer.
 - All existing infrastructure should be protected during the course of construction works
- Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Furthermore, 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.

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

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

Officer Comment: if permission is granted for the proposal, the above comments would be an informative on the decision notice.

Environmental Health Manager, Community Group - No Objection

Please accept this email as confirmation that we have no objection in terms of noise.

Hampshire Highways - Further Information Required

It is noted that no supporting highways information has been provided as part of the application. Although no site plan has been provided, it is assumed that no parking is

to be provided on site. Should this be the case, the applicant will need to undertake a parking survey of the surrounding residential streets to understand whether there is sufficient spare capacity to accommodate the required parking levels based on Havant Borough Council's adopted parking standards.

Recommendation

The applicant is required to provide a site layout plan, confirmation on the parking arrangement for the development and a parking survey to confirm that the necessary parking provision is available on street for the proposed development. Until this information is provided, the Highway Authority are unable to make a recommendation on the proposed development based on the lack of detail provided.

Officer Comment: *There is no car parking on site that services the existing public house, with guest accommodation and Manager's flat. The agent has provided, the level of car parking that should be provided for the existing development, with a comparison of the level of parking proposed for the development. This has demonstrated that the car parking provision for the existing use, exceeds the proposal's car parking provision which is material to the determination of the application, which is covered in detail under Section 7 below.*

Natural England - No Objection

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 13 February 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.

Nutrient Team - Comment

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/>

Officer Comment: *The applicant's agent has been made aware of the Council's charge for nitrate mitigation and has chosen Warblington's mitigation scheme.*

Planning Policy - Final Comment - No Objection

As per my last comments I requested to know the full marketing period at the higher cost and lower cost of 95 North Street and to understand why the higher price was initially chosen.

I am satisfied with the additional supporting information submitted that the site was satisfactorily marketed across a period of May 2021 to it being sold in July 2022. The price was dropped in March 2022 but there was no gap in the marketing period and the reduction reflected the lack of an interested market and no offers being made on the property.

Therefore, it is considered that the above criteria of policy DM2 have been met and the principle of the change of use can be supported.

Planning Policy - 3rd - Further Information Requested

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for the borough. The Emsworth Neighbourhood Plan also forms part of the development plan in this area.

The following policies within the Adopted Local Plan (ALP) are of particular relevance:

- CS9 | Housing
- CS16 | High Quality Design
- CS17 | Concentration and distribution of development within the urban areas
- CS21 | Developer Requirements
- DM2 – Protection of Existing Community Facilities and Shops
- DM5 | Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- DM7 | Elderly and Specialist Housing Provision
- DM10 | Pollution
- DM14 | Car and Cycle Parking on Development (excluding residential)
- AL1 | Presumption in favour of sustainable development

- AL2 I Urban Area Boundaries and Undeveloped Gaps between Settlements

The following policies within the Emsworth Neighbourhood Plan (ENP) are of particular relevance:

- L3 I Independent Living
- D1 I General Design Policy

It should be noted that the ENP policies mostly relate to new development and this proposal is for a conversion with the exterior unlikely to change in a significant way.

Principle of development

The site lies within the urban area as defined by policies CS17 and AL2 of the adopted local plan. As such, the principle of development is acceptable subject to other material considerations.

Following the latest changes to the use class order pubs and public houses are considered to be a sui generis use. The proposal seeks to convert the Railway Inn pub on North Street, Emsworth into 7 self-contained units of supported living flats with guest rooms and ancillary manager accommodation.

Given that public houses are considered to provide a community use policy DM2 of the adopted local plan (ALP) applies. This policy seeks to safeguard existing community uses.

Specifically, policy DM2 indicates that a loss of a community facility will only be permitted where it has been demonstrated through an active marketing process that the premises or land are no longer viable. This should generally be covered by an active and realistic marketing process for a minimum of a 12-month period. The policy goes on to state that:

“In all cases the marketing process requires as a minimum:

- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.
- ii) Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time.
- iii) An enquiry log, how it was followed up and why it was unsuccessful.
- iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements, spread across a six month period).
- v) Evidence of marketing via the internet.

In regards to the above it is noted that marketing information has been submitted as part of the application. The marketing information is considered to provide and outline the information required above in order to determine that the land and use of the site are no longer viable. Therefore, it is considered that the above criteria of policy DM2 have been met and the principle of the change of use can be supported.

However, there would be benefit to the applicants clarifying the exact period that the property was reduced in price from and also expanding on how the original marketing price was reached. We would ask that this additional information is submitted.

The policy further states that a loss of a community facility will only be permitted where the facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve. It is considered that the feedback from the marketing exercise would demonstrate this and

provide justification that the requirements of policy DM2 have been met.

Housing/5 Year Supply

The Council's Five Year Housing Land Supply Update (November 2021) indicates that the Council has 3.9 years supply with a 20% buffer applied. This is below the five year supply threshold. The lack of five year supply triggers a presumption in favour of sustainable development, in line with paragraph 11d of the NPPF.

It does not follow that planning permission should automatically be permitted for development which would boost housing supply. However— permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Council adopted a Housing Delivery Action Plan in January 2021 which outlines the Council's response to the lack of a five year housing land supply. It is noted that the proposed scheme is not in the five year supply in whole or part. However, the proposal would make a limited contribution to five year supply and should therefore be afforded weight accordingly.

Elderly and Specialist Housing Provision

Policy DM7 is of relevance to development specific to the requirements of the elderly, and requires the following criteria to be met:

1. It is demonstrated that appropriate levels of on-site amenity space are accessible for residents' use which provides a satisfactory outlook for all residents.
2. A setting for the building is provided which is in keeping with the surrounding area.
3. Sufficient space for servicing is provided.
4. Services that may generate noise and disturbance (such as laundry rooms, kitchens and refuse storage) are located and designed to avoid undue disturbance to the amenities of neighbouring properties.
5. The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas. In particular, it is questionable whether criteria 1, 2 and 3 could be met given the constrained nature of the site. It will also be of relevance to consider whether any services would be likely to give rise to disturbance to neighbouring residents and this is addressed in detail below.

High Quality Design and Amenity Considerations

More generally, both the adopted local plan and neighbourhood plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- Policies D1 to D7 (Emsworth Neighbourhood Plan)

The design of the building is unlikely to change significantly. A rear dormer is proposed within the roof and the case officer should assess its suitability/ bulk and determine if any additional overlooking could occur as a result.

In addition to this a consultation with the Environmental Health team would be recommended in order to determine what additional pollution in terms of noise, smell and/or smoke would be generated as a result of the proposal.

The proposal would need to accord with the design check list included within the Emsworth Neighbourhood Plan but it is noted that a Design and Access Statement has not been submitted.

Parking

The change of use of the site would trigger a reassessment of the parking and cycling provision which is required. This would be required to accord with the Council's parking SPD for residents, staff and visitors.

Conclusion

In light of the marketing information that has been submitted it is considered that the requirements of policy DM2 have been met and the principle of the change of use can be supported.

It would be requested that the additional information regarding the marketing be submitted. It is further noted that the amenity of the prospective occupiers will need to be considered having regard to the neighbouring uses in like with ALP Policies DM7 and DM10.

Planning Policy - 2nd Comment - No Objection

As per my last comments I requested to know the full marketing period at the higher cost and lower cost of 95 North Street and to understand why the higher price was initially chosen.

I am satisfied with the additional supporting information submitted that the site was satisfactorily marketed across a period of May 2021 to it being sold in July 2022. The price was dropped in March 2022 but there was no gap in the marketing period and the reduction reflected the lack of an interested market and no offers being made on the property.

Therefore, it is considered that the above criteria of policy DM2 have been met and the principle of the change of use can be supported.

Planning Policy - 1st Comment - Further Information Required

Policy Status

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Principle of development

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Given that public houses are considered to provide a community use policy DM2 of the adopted local plan (ALP) applies. This policy seeks to safeguard existing community uses.

Specifically, policy DM2 indicates that a loss of a community facility will only be permitted where it has been demonstrated through an active marketing process that the premises or land are no longer viable. This should generally be covered by an active and realistic marketing process for a minimum of a 12-month period. The policy goes on to state that:

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In regards to the above it is noted that marketing information has been submitted as part of the application. The marketing information is considered to provide and outline the information required above in order to determine that the land and use of the site are no longer viable.

Therefore, it is considered that the above criteria of policy DM2 have been met and the principle of the change of use can be supported. However, there would be benefit to the applicants clarifying the exact period that the property was reduced in price from and also expanding on how the original marketing price was reached. We would ask that this additional information is submitted.

The policy further states that a loss of a community facility will only be permitted where the facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve. It is considered that the feedback from the marketing exercise would demonstrate this and provide justification that the requirements of policy DM2 have been met.

Housing/5 Year Supply

The Council's Five Year Housing Land Supply Update (November 2021) indicates that the Council has 3.9 years supply with a 20% buffer applied. This is below the five year supply threshold. The lack of five year supply triggers a presumption in favour of sustainable development, in line with paragraph 11d of the NPPF.

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The Council adopted a Housing Delivery Action Plan in January 2021 which outlines the Council's response to the lack of a five year housing land supply. It is noted that the proposed scheme is not in the five year supply in whole or part. However, the proposal would make a limited contribution to five year supply and should therefore be afforded weight accordingly

Elderly and Specialist Housing Provision

Policy DM7 is of relevance to development specific to the requirements of the elderly, and requires the following criteria to be met:

1. It is demonstrated that appropriate levels of on-site amenity space are accessible for residents' use which provides a satisfactory outlook for all residents.
2. A setting for the building is provided which is in keeping with the surrounding area.
3. Sufficient space for servicing is provided.
4. Services that may generate noise and disturbance (such as laundry rooms, kitchens and refuse storage) are located and designed to avoid undue disturbance to the amenities of neighbouring properties.
5. The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas.

In particular, it is questionable whether criteria 1, 2 and 3 could be met given the constrained nature of the site. It will also be of relevance to consider whether any services would be likely to give rise to disturbance to neighbouring residents and this is addressed in detail below.

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More generally, both the adopted local plan and neighbourhood plan require high quality design in all development under policies

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The design of the building is unlikely to change significantly. A rear dormer is proposed within the roof and the case officer should assess its suitability/ bulk and determine if any additional overlooking could occur as a result.

In addition to this a consultation with the Environmental Health team would be recommended in order to determine what additional pollution in terms of noise, smell and/or smoke would be generated as a result of the proposal.

The proposal would need to accord with the design check list included within the Emsworth Neighbourhood Plan but it is noted that a Design and Access Statement has not been submitted.

Parking

The change of use of the site would trigger a reassessment of the parking and cycling provision which is required. This would be required to accord with the Council's parking SPD for residents, staff and visitors.

Conclusion

In light of the marking information that has been submitted it is considered that the requirements of policy DM2 have been met and the principle of the change of use can be supported.

It would be requested that the additional information regarding the marketing be submitted. It is further noted that the amenity of the prospective occupiers will need to be considered having regard to the neighbouring uses in like with ALP Policies DM7 and DM10.

Portsmouth Water Company - No Objection

Portsmouth Water have reviewed the application and associated documents for APP/22/00974 and have no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission.

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: 16

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
No parking provided - should be provided - existing severe parking problems in Sultan Road and Malvern Mews - proposed would exacerbate this. Emergency services have difficult access especially in Malvern Mews Permission granted over past few years for six additional living units in Sultan Road - with associated pressure on parking Limited bus service, currently under review.	Please see Section 7 below.

Likely residents will use the train. Highways Authority to consider a traffic controlled crossing , as traffic now extremely heavy on North Street - causes difficulty in crossing - developer could be asked to contribute.	Highway Authority only comments on parking, which is a Borough matter.
Recognise lack of demand for licensed premises. Commendable use of the building Over-development of living unit numbers for the area, Issue with vibration and noise with solid party walls - concerns with disturbance from toilet, shower and kitchen appliances position on the party wall, next to bedrooms - such appliances should be position away from the party wall. Correct sound proofing required on solid walled Victorian building - reference to Building Control's comments - suggest advice sought from an Acoustic and Vibration Expert - to avoid years of misery. Cellar could be used for such appliances. All kinds of extraction equipment/ heating system should not be situated on the flat roof or hung on the walls or from the roof in that area - a sound trap - all sound is magnified - should be fitted on the north elevation where they are now. Possible overlooking of adjoining properties, with additional fenestration. New velux window on south elevation should be obscurely glazed non opening window in accordance with appeal permission APP/16/01311, otherwise create unacceptable level of overlooking. Hopefully, the residents will not have access to the top of the rear extension.	See Section 7 The application does not include such equipment, which would require planning permission in its own right, if subsequently needed. See Section 7 below. The same condition as imposed on APP/16/01311 is recommended. Existing door shown to be block off and wall made good to prevent access onto

	the top of the rear extension. Condition recommending this prior to occupation.
Control preventing further conversion of the property for more general non business residential use.	Any further application for the site, would be considered on their 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 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) Loss of public house
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Highways and Parking
- (vi) Flood Risk/Drainage
- (vii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area as defined by policies CS17 and AL2 of the adopted plan where further development is considered acceptable subject to the usual development control criteria. Policy AL1 of the adopted Allocations Plan advises that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the revised NPPF (to improve the economic, social and environmental conditions in the area). Planning applications that accord with the policies in the adopted local plan will be approved unless material considerations indicate otherwise. The location of the proposed development is in a sustainable urban area with access to amenities in the form of public transport, health provision and retail opportunities and so in principle is considered to be a suitable location for residential development of a more intensive nature.

7.3 The proposal is for 7 Assisted Living flats, for which there is a recognised need. Policy DM7 (Elderly and Specialist Housing Provision) sets out the requirements for Elderly and Specialist Housing, these are replicated below:

1) It is demonstrated that appropriate levels of on-site amenity space are accessible for residents use which provides a satisfactory outlook for all residents.

2) A setting for the building is provided which is in keeping with the surrounding area.

3) Sufficient space for servicing is provided.

4) Services that may generate noise and disturbance (such as laundry rooms, kitchens and refuse storage) are located and designed to avoid undue disturbance to the amenities of neighbouring properties.

5) The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas.

7.4 With this, paragraph 10.26 of the supporting text of the policy highlights that:

'It is recognised that the occupiers of some specialist housing often require access to local services including shops and health facilities and public transport routes.'

Development for

sheltered housing, facilities for the active elderly and for the disabled will be encouraged towards locations where these services can be accessed by non-motorised modes of transport so that a degree of independence can be maintained”.

- 7.5 It is recognised that the on-site amenity space would be a communal lounge within the building with cooking facilities, with access to a small courtyard, following the removal of an existing flat roof. However, the development is in a sustainable urban area, with the site approximately 1.5 kilometres from Emsworth District Centre where there is access to dental, doctor and optician facilities, as well as a range of shops, cafes and restaurants. Access to the Millpond and the foreshore is a similar distance away, with Emsworth Park approximately 0.5 kilometres to the north. The site is also in close access to public transport, with Emsworth Station opposite, which includes services to Portsmouth and Brighton, via Chichester. There are also bus services along North Street and Havant Road, with the latter providing services to Portsmouth, via Havant and to Bognor Regis via Chichester. On site cycle storage would be provided.
- 7.6 As regard the Council's Five Year Land Supply Update (March 2023) this indicates the Council has a 1.81 year 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) and approving development proposals that accord with an up-to-date development plan without delay. In circumstances where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date permission should be granted unless “...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 7.7 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 Core Strategy (2011) sets out that development will be permitted that makes the most effective use of land in the borough.
- 7.8 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, taking into account 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 change of use of the building would represent a high density development at 7 dwellings on a site of approximately 0.04 hectares (a density of approximately 175 dwellings per hectare).
- 7.9 The adopted Local Plan policies are considered to echo the more recent advice in the National Planning Policy Framework (NPPF).
- 7.10 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.
- 7.11 Paragraph 124 of the Framework supports development that makes efficient use of land where it takes into account the desirability of maintaining an area's prevailing

character. Policies CS9 and CS17 together are broadly consistent with this approach.

- 7.12 The Framework goes further and sets out at Paragraph 125 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 to ensure that development makes optimal use of the potential of each site.
- 7.13 The principle of making more efficient use of an existing urban site, in a sustainable location, 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 a number of detailed planning considerations as set out below.

(ii) Loss of Public House

- 7.14 The proposal would result in the loss of a public house, which is recognised as a form of community facility in the NPPF (paragraph 93). Policy DM2 of Havant Borough Local Plan (Core Strategy) 2011 considers the protection of existing community facilities, which states:

"Development proposing the change of use or loss of any premises or land currently or last used as community services and facilities, including local shops, will only be permitted where both the following criteria can be met:

1. It has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community.

2. The facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve."

In the explanatory text to the above policy the marketing should cover:

"i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.

ii) Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time.

iii) An enquiry log, how it was followed up and why it was unsuccessful.

iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements, spread across a six month period)"

vi) Evidence of marketing via the internet."

- 7.15 In support of the application, marketing information has been provided which demonstrates that the public house was on the market from the middle of May 2021 with Flude Estate Agency, until they ceased marketing it on 1 March 2022. Then from March 2022, Nexa Properties continued to market the property at an agreed reduction in price from £675,000 to £650,00, to be a more competitive asking price. The total marketing period of the property was 12 months. Nexa Properties advised in their report that:

"We introduced some new prospective applicants who looked at it for catering but

these interests were withdrawn due to several factors.

- 1. Considerable amounts of work required to modernise the property suitable for 2022 usage.*
- 2. Location - being hard onto main road with no outside space, no parking due to flat fronted residential area.*
- 3. Overall look undesirable "*

- 7.16 Following Policy's comments further information was sought on the marketing, with following information provided:

"The property was marketed on both Commercial & Residential property platforms via two separate firms. At NEXA in addition to using all website portals we also use Social Media through our Network of offices and each client director sends to investor lists. All potential applicants had a full explanation of the potential in existing format or advised on several other opportunities with a similar vein to hospitality. However, due to the demise of public houses, of which I am familiar with, being from two large brewing families in both Portsmouth & Liverpool, it is no surprise that The Railway Inn followed suit.

The property was reduced when I took the property on March 22nd 2022. It was reduced from £695,000 to a Guide Price of £650,000 - £675,000.

I was not party to the original Pricing Structure from Fluid property agents. However, from my 35 years of experience, if you market a property and get no viewings it's too much money. In this case Fluid had viewings and got offers which means it was correctly priced.

When I reduced the asking price, I wanted to prove to local authorities that although there was interest at The Railway Inn my client was keen to work with local business people to find a similar investor. Sadly, the investment required to update and was far greater than expected and not achievable."

- 7.17 On receipt of this further information, Policy advised:

"I am satisfied with the additional supporting information submitted that the site was satisfactorily marketed across a period of May 2021 to it being sold in July 2022. The price was dropped in March 2022 but there was no gap in the marketing period and the reduction reflected the lack of an interested market and no offers being made on the property.

Therefore, it is considered that the above criteria of policy DM2 have been met and the principle of the change of use can be supported"

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

- 7.18 As set out above under Section 3, the external alterations to the building are limited to the roof and the removal of a door on the east elevation, which would be made good and the replacement of a door with a window on the east elevation to match existing. A replacement door to match existing is also proposed on the north elevation. Bin and cycle storage would be provided within a small amenity area fronting onto North Street (cycle storage would also be provided in the Lobby accessed off Sultan Road). These changes to the building and the use of the amenity space are not considered to detract from the character and appearance of the building or the locality; nor would the proposed residential use. Therefore, the proposal accords with Policy

CS16 of the Havant Borough Local Plan (Core Strategy) (HBLPCS).

(iv) Impact upon residential amenity

Impact on existing residents

- 7.19 Representations have been received from third parties raising concerns, amongst other matters, about noise, disturbance and vibration due to the party wall and the residential intensification of the use of the building.
- 7.20 The existing lawful use of the building (which is closed) is that of a public house, which operated at the ground floor, with storage in the cellar, with 5 guest rooms at 1st floor and a 3 bedroom manager's flat at 2nd floor. It is acknowledged that the lawful use of the building as a public house, together with the associated uses, would have from time to time given rise to a level of noise and disturbance, which would have been likely to have caused a level of noise and disturbance to neighbouring properties and the locality.
- 7.21 That said, the potential for noise and disturbance associated with the intensification of the residential use was explored with the agent. In response the agent has advised that:

"Further to your note regarding noise I have carefully looked at the junction between the two buildings and have concluded they are not connected by a single 'party wall' but are in fact two separate building constructed on the line of junction between the two. I have attached a series of photographs to explain how I have arrived at this conclusion which I hope you find helpful.

I have discussed this situation with an acoustic specialist who has made the following observations:

- 1. If the walls are constructed as two separate brick walls of 215mm thickness, then testing is most likely to show compliance with the requirements of Part E of the Building Regulations for a separating wall.*
- 2. The proposed change of use from Public House to residential will result in a significant reduction in airborne sound transmission between the two properties.*
- 3. The introduction of an acoustic lining to the separating wall will eliminate any doubt regarding compliance with Building Regulations - Part E*

Accordingly, we propose to line the separating wall as shown on the attached drawing No 2213: 4.001 (Rev-). This wall treatment will ensure compliance with the requirements of Building Regulations – Part E as confirmed on the attached test data sheet."

- 7.22 Building Control were reconsulted over the above information and advised:

"The agent and their acoustic advisor may be correct in their assessment of how the separating wall will act with regards to compliance with the Building Regulations. The Rockwool data sheet also indicates that the proposed acoustic upgrade would provide adequate sound reduction. The proposal will be assessed in full once a Building Regulation application has been submitted, however the only option available for showing that compliance with Requirement E1 has been achieved for dwellings formed by change of use is by pre-completion sound testing. If the sound test shows that compliance has been achieved, that would be accepted."

- 7.23 Notwithstanding that noise transmission as a result of the proposed change of use would be likely to be significantly less than the lawful use, the sound transmission between the two properties would be controlled by a building regulation application to ensure compliance with Requirement E1. Therefore, duplicate control in the form of a planning condition, which is contrary to Government guidance, is not recommended.
- 7.24 Environmental Health has been consulted over the proposal and confirmed "*...that we have no objection in terms of noise.*"
- 7.25 Having regard to the primary lawful use of the property as a public house with all the associated activities, which from time to time, no doubt, would have given rise to noise and disturbance to neighbouring properties and possibly the locality, the impact of the proposal on adjoining residents is considered to be acceptable, with noise transmission controlled by a building regulation application.
- 7.26 Third party representations have also raised concerns about existing problems with parking in Sultan Road, with claims this has been exacerbated by recent development within the road. It is acknowledged that parking within Sultan Road is limited, with yellow lines on North Street to the front of the property in either direction. There is also parking demand from train users, for the station opposite. The proposal has the potential to add to the pressure on this limited amenity. However, regard must be had to the fact that the public house and its associated activities has no on-site parking, with any parking associated with the use taking place on the public highway, including Sultan Road. The fall-back position as to parking is explored in detail under the heading 'Highways and Parking' below.

Impact on future residents

- 7.27 The proposal is for 6, 1 bedroom flats and 1 bedroom studio flats. All of the flats would have a shower room and storage space. It is acknowledged that outside amenity space would comprise solely of a small courtyard, accessed from the Communal Lounge(25.4m m2) which would provide kitchen facilities and an eating area to socialise with other tenants/visitors. Future residents would also benefit from Support Workers who would be available 24/7 with the provision of a room on the ground floor, which would include overnight sleeping accommodation.
- 7.28 Following amended plans all of the units of accommodation comply with the Government's 'Technical housing standards - nationally described space standard', as set out as follows:

Area Schedule			
Apartm ent No.	Description	Area	Level
	Support worker	17.61m2	Level 00
1	1 Bed – powered wheelchair accessible	70.49m2	Level 00
2	1 Bed – powered wheelchair accessible	45.09m2	Level 00
3	1 Bed Studio	37.55m2	Level 01
4	1 Bed Apartment	37.84m2	Level 01
5	1 Bed Apartment	37.74m2	Level 01
6	1 Bed Apartment	47.53m2	Level 02
7	1 Bed Studio	41.68m2	Level 02

	Circulation areas	66.2m2	
Approx Total Area		401.73m2	

- 7.29 The site is in a sustainable location with good access to public transport and a range of services within the centre Emsworth, which would provide an appropriate level of accommodation for the proposed use which weights in favour of the application.

(v) Impact on highways and parking

Highway

- 7.30 The Highway Authority has been consulted over the proposal, whose comments are restricted to parking for the proposed use, which is a LPA matter. This is covered in detail under the following heading.

Parking

- 7.31 The application proposal has no on-site car parking, which is the current position with the public house and its associated uses, which includes five guest bedrooms and a 3 bedroom Manager's Flat.
- 7.32 The proposal is for 6, 1 bedroom flats and 1 studio flat, with overnight sleeping accommodation for a care worker. Havant's Car Parking SPD, for Class C3 dwellinghouses, for 1 parking space for a 1 bed unit would normally require a total of 7 spaces, with additional parking for staff, taking it to a total of 11 spaces, with 10 cycle racks, which are provided. That said, the SPD acknowledges tenure can influence car ownership. The accommodation to be provided on behalf of Chaos Support, which is a local organisation specialising in the provision of support for young adults with a learning disability or additional needs, with the main aim to help them learn independence, gain employment and acquired life skills. Occupation of the apartments will be on a rental basis. The agent has advised that with the exception of one potential resident, who will be using an accessibility vehicle for mobility reasons, it is not anticipated any of the other potential residents will use a car, being reliant on public transport. The agent advised support care workers would be encouraged to use public transport by their employer.
- 7.33 As to public transport, Emsworth train station, is opposite the property, with First Group Route 27 service bus stop located directly outside of the property on North Street, that travels between Emsworth and Havant via Rowlands Castle, with four services a day. The Stagecoach Route bus stop, with two bus services per hour, is located a short 5 minute walk on the A259 which travels east toward Littlehampton via Chichester and west towards Portsmouth Harbour via Havant.
- 7.34 As mentioned above, the public house and the associated uses does not benefit from on-site parking, being reliant on the public highway for parking. The existing lawful use also does not benefit from any cycle storage. Havant's Car Parking SPD recognises that within the Borough, some areas are more accessible to shops, services and public transport than others, with Emsworth identified as being accessible, benefiting from shops and services, a train station and bus routes.
- 7.35 In response to the lack of on-site parking the agent provided the following table which

sets out the parking standards for the public house and associated uses against the parking/cycle storage demand for the proposal, as set out in Havant's Car Parking SPD. This demonstrates that the existing use generates a far higher level of parking/cycle provision than the proposal. Therefore, the proposal would generate a significantly lower level of car parking and cycle provision demand than for the existing lawful use, in a highly sustainable location opposite a train station and bus stops, with shops and services a short distance away, which is a material planning consideration.

Existing Premises						
Land Use	Minimum Car Parking Standard					
Public House (Table 8) Bar Area = 119.4m2 GEA = 230.7m2	1 space per 5m2	Cars	Long Stay	Cycle Stores	Short Stay	Hoops
		24 spaces	1 space per 40sqm GEA	6 spaces	1 stand per 20 sqm GEA	12 spaces
Guest Rooms (Table 8)						
5 guest rooms GEA= 157.27m2	1 space per room	5 spaces	1 space per 40sqm GEA	4 spaces	1 stand per 10 bedrooms	1 space
C3 Residential (Table 4A)						
1 No. 3 bed C3 dwelling	2 spaces per unit	2 spaces	2 spaces per unit	2 spaces	n/a	n/a
Total		31 spaces		12 spaces		13 spaces
Proposed Use						
Land Use	Minimum Car Parking Standard		Minimum Cycle Standard			
C3 Residential (Table 4A)		Cars	Long Stay	Cycle Stores	Short Stay	Hoops
7 no. 1 bed C3 dwellings	1 space per unit	7 spaces	1 space per unit	7 spaces	n/a	n/a
Allowance for Car Staff (Table 7)						
Residential Staff allowance = 1 Non Res. Staff Allowance =2 Visitor = 7	1 space per residential staff 0.5 space per non 0.25 spaces per	1 Space	1 space per 6 staff 1 space 2 spaces	1 space	2 stands per establishment	2 spaces

	client					
Total		11 spaces		8 spaces	2 spaces	2 spaces

7.36 Concerns have been raised about the existing shortfall of onstreet parking and it is acknowledged that the proposal does not accord with Policy DM13 of the HBLPCS as regards the provision of on-site car parking. That said, as outlined above, given the existing use of the site which in accordance with the SPD requires a significant higher level of car parking provision than the proposal, combined with the site's sustainable location, it is considered that in this particular situation the provision of zero on site car parking would be a material improvement over the existing use, and is considered acceptable. Having regard to this fall-back position, the development would not have a significant adverse impact on onstreet parking or the safety and free flow of the highway network or the amenity of existing neighbouring properties, when assessed against the current lawful use of the property.

(vi) Flood Risk/Drainage

Flood Risk

7.37 The site lies in Flood Zone 1 which has a low probability of flooding - less than 0.1% - and would remain so in 2115, with climate change.

Drainage

7.38 The foul sewerage and surface water disposal would link into the mains sewer system, which falls under the remit of Building Control.

(vi) CIL

7.39 The proposal whilst resulting in a new residential development is not Community Infrastructure Levy (CIL) liable, as it is considered to be classed as extra care housing.

8 Conclusion

8.1 Mitigation for the Solent Recreational Mitigation Strategy and neutral nitrate development has been secured, by way of a Unilateral Undertaking and associated payments.

8.2 There is a recognised need for assisted living accommodation within the Borough, which the proposal would contribute towards. The proposal would also be a modest addition to the Council's housing supply for which there is an acknowledged shortfall.

8.3 The information provided has demonstrated that the site was satisfactorily marketed, as required by Policy DM2 of the HBLPCS.

8.4 The physical changes to the building, would not adversely impact on the character and appearance of the area; nor would the residential use.

8.5 Potential noise and disturbance from the proposed use, when assessed against the existing use is considered acceptable and would be control by a building regulations application. The size of accommodation proposed for residents is considered

acceptable, which includes a large communal area and a courtyard.

- 8.6 The proposal is acceptable in flood risk terms and satisfactory drainage provision would be secured via a building regulations application.
- 8.7 The level of on-street parking generated by the proposal would be significantly less than that required for the existing lawful use, with the site being within a sustainable location and is therefore considered acceptable.
- 8.8 Having regard to the proposal and the fall-back position of the lawful use of the site, the proposal is considered to accord with the development plan as a whole and the advice in the National Planning Policy Framework and conditional planning permission is recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00974 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

Location and Existing Plans and Elevations. - Drawing No. 2.003
Proposed Plans and Elevations - Drawing No. 2.004 Rev D3

Documents

Parking calculations - existing and proposed use
Agents photographs of application and neighbours' building

Plan & information that support the application

Proposed Acoustic Treatment to Wall - Drawing No. 4.001
Rockwool details to comply with Part E, Building Regulations (sound insulation)
Agent's email dated 19 January 2023

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

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

4 **Prior to Occupation**

Prior to the first occupation of the development hereby approved, the existing door on the first floor east elevation shall be permanently blocked off with materials to match existing.

Reason. In the interest of the amenity of neighbours having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

5 Prior to the first occupation of the development hereby approved, the external courtyard as shown on Drawing No. 2.004 Rev D3 shall be made available for occupiers, and it shall remain so available at all times thereafter.

Reason: In the interest of amenity for residents having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015 as amended, prior to first occupation of the development hereby permitted all rooflight windows at second floor level in the south elevation, and the first floor window in the south elevation shall be fitted with 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

7

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. To ensure that the proposal

may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

8 **Post Occupancy**

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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011