
Site Address: 12 Nile Street, Emsworth, PO10 7EE
Proposal: Conversion of workshop into dwellinghouse with extension and alterations.
Application Type: Full Planning Permission
Application No: APP/22/00831 Expiry Date: 23/11/2022
Applicant: Mr Plummer
Agent: Mr Burdfield Case Officer: Selina Donophy
PWP Architects
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is located in Nile Street, within the Emsworth Conservation Area, within Chichester Harbour AONB and close to the main town centre area. The site comprises a two-storey building which backs onto the South Street car park and with a front attached, pitched roof garage which fronts onto Nile Street. The building has been used as a workshop and garage.

2 Planning History

APP/18/00237 - Erection of a new cantilevered balcony & replacement of existing window with aluminium doors to front elevation., PERM, 19/04/2018

3 Proposal

Conversion of workshop into dwellinghouse with extension and alterations.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Chichester Harbour Area of Outstanding Natural Beauty Joint SPD 2017

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1 (Design & Heritage)
ENP_D1 (General Design Policy)
ENP_D2 (Height, Mass & Materials)
ENP_D3 (Layout, Form & Density)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Building Regulation consent required for this work

Southern Water surface water crosses in front of this building within 3m which if new foundations being undertaken will need consultation with SWS

Ground floor bedroom is an inner room. Therefore means of escape to comply with Approved Document B (MOE window needed)

WC layout should comply with AD M along with access

Solid waste storage and collection point now shown as required by AD H

Depending on site boundary and use of land behind (re possible development) unprotected areas may be an issue on the rear elevation AD B

Further issues may arise when check be Building Control formally

Chichester Harbour Conservancy

Further Comments:

Chichester Harbour Conservancy's Recommendation

Recommendation – No objection: The Conservancy is now satisfied that the building was in domestic, not commercial ownership on the evidence presented. Subject to matching materials being used, The Conservancy withdraws its previous holding objection.

Officer reasoned justification

The amendments submitted are very minor or internal, relating to an adjusted front common boundary to No.10, slightly recessed dwelling entrance and demonstrating auto-tracking for a car and boat to be manoeuvred into their respective spaces as well as a bin stationing point on bin collection day and will have no adverse impact on the AONB landscape.

*Policy framework

NPPF (July 2021) paragraphs – 7-8, 10-12, 28, 38, 47, 55, 92, 98, 126, 152-154, 158, 174, 176, Chapter 16 & 218-219; NPPG (2014 onwards): ID's 6-8, ID18a, ID21a, ID26; Havant Borough Local Plan (Core Strategy) 2011 - CS11-CS12, CS14, CS16, DM9; Havant Borough Local Plan (Allocations) DPD 2014 - AL1, DM20; 'Made' Emsworth Neighbourhood Plan (2021) - H1-H3, D1, D6; Chichester Harbour AONB Management Plan 2019-2024: 1-2, 15; CHC Planning Principles (adopted by CHC 17.10.2016 onwards) – 01, 04, 09; SPG/SPD - Joint CHAONB SPD; Borough Design Guide; Emsworth Conservation Area CACA & Management Plan ; Emsworth Design Statement

Original Comments:

Recommendation – Holding objection: no evidence of marketing the property for commercial use has been undertaken potentially making the proposals contrary to strand 5 of Local Plan Policy CS2, Policy 13 from The Conservancy's Management Plan as a material planning consideration under Local Plan Policy CS12 (strand 4) and Conservancy Planning Principle 02.

A site visit was made 17-10-2022 and regard had to the policy framework below in making these comments, for this site located in the AONB and Character Area A (old town) of the Emsworth Conservation Area.

Although not Listed, nor on the Borough's 'local list'/'of local interest', the building has status as an undesignated heritage asset. The Conservation Area Appraisal at paragraph 3.11 refers to "...one remaining works building..." in Nile Street (albeit it is likely No. 15 is being referred to – Westminster works (itself previously a congregational church), redeveloped by 2 two town houses under 12/04484/FUL, 2 years after the Conservation Area Appraisal was approved by the Council). No other mention is otherwise made of No.12.

An application for a Certificate of Lawfulness of existing use as a dwelling was recently withdrawn under reference APP/22/00100. The reason for withdrawal is unclear and no documentation exists on the Council's webpage to understand what evidence was submitted.

At this stage, it is unclear whether this building was used by a marine related enterprise, or what efforts may have been made to market the property for commercial purposes, as had been required under APP/21/01383. Other than Emsworth Yacht Basin, very little remains in Emsworth centre related to marine industry, perhaps with the exception of those ancillary spaces within the sailing clubs.

Nile Street is a very narrow street linking South Street and dropping down to Bridgefoot Path. The main views are therefore directly to the front from Nile Street and more open views of the rear from the public car park off South Street.

8 Nile Street to the east has a mansard roof but is certainly no design exemplar, being a rather negative feature within this part of the Conservation Area. Other properties with Mansard roofs are formed between parapeted fire walls, giving them more definition and cohesive appearance. I note consent was granted for a mansarded roof alteration at 10 Nile Street under APP/21/01383, which is now being built out.

The application property is rather unusual and covers 100% of the site area, with rear windows flat onto the adjoining public car park. It seems to be more commercial in appearance; red brick faced with a wide single storey gable and tall door opening facing Nile Street, roof surface clad with brown, concrete interlocking tiles, which abuts an (older) 2 storey element, clad with its roof clad with red plain tiles. The application property is already taller than it and the new mansard would not be taller than the existing roof ridge.

The applicant proposes alterations and conversion to create a one bedroom house with (new) boat store addition and open car parking 'forecourt' (following demolition of the existing single storey element).

No analysis of Development Plan policies has been undertaken, although other relevant planning considerations are discussed in the submitted Heritage, Design and Access Statement.

Although a visual improvement to the character and appearance of the Conservation Area within the AONB landscape is predicted, The Conservancy would wish to be assured that this building has not been related to marine enterprise and what efforts have been undertaken to market the property for such purposes under strand 5 of Policy CS2

Conservation Officer

At present, the garage extension dominates the front elevation due to its width and ridge height and obscures the view of the heritage building to the rear. The proposed replacement garage would be more subservient and allow for an improved front elevation which reads more as cohesive building. The front porch provides an attractive link feature to the new front entrance.

The retention of the building to the rear, which is classed as a non-designated heritage asset, is welcomed. The retention of the historic style windows, brickwork and roof tiles would retain the historic character in the context of this part of the conservation area.

Overall, the proposal would meet the test of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

Conclusion

NO OBJECTION subject to the following conditions:

Notwithstanding the approved plans, the development hereby permitted shall not be commenced until detailed drawings of any new windows and doors have been submitted to and approved in writing by the local planning authority. The details to comprise:-

1:20 elevation and plan; 1:5 section and full-size glazing bar detail. The details to include the position of the window within the opening (depth of reveal) and method of fixing the glazing (putty or beading)

The materials used, method of opening and finishes.

The works shall be carried out in full accordance with such approval and be retained thereafter.

Standard material samples to be submitted / agreed condition

Conservation Officer Further Comments

The applicant has supplied further details of window , door and materials details and these have been reviewed by the Conservation Officer and the conditions are no longer required.

Councillor Julie Thain-Smith

No comment received

Councillor Lulu Bowerman

No comment received

Councillor R Kennett

No comment received

HBC Ecologist Further Comments

The application is accompanied by a Bat Survey Report (AEWC, August 2023). Following an initial assessment of bat roosting suitability, a single emergence survey was carried out in July 2023. No bats were observed roosting within the building and therefore bats are considered to be absent from the site. The bat report includes some sensible recommendations for ensuring that potential impacts to bats continue to be avoided.

If you are minded to grant permission, can I suggest that ecological measures are secured by condition.

Development shall proceed in accordance with the ecological impact avoidance measures as detailed in sections 6 and 7 of the Bat Survey Report (AEWC, August 2023) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

HBC Ecologist Original Comments

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The building is of some age and exhibits

characteristics that may offer potential for supporting roosting bats. Bats will utilise small gaps or crevices for accessing roosting locations, and clearly the proposed works have the potential to impact bats if present.

I would recommend that the applicant commissions a preliminary ecological assessment of the site: this should include an assessment of the potential for the site to support protected species such as bats, to be provided by a qualified ecologist. The Chartered Institute of Ecology and Environmental Management (CIEEM) (www.cieem.net) holds a database of suitably qualified ecologists.

A preliminary ecological assessment will determine whether there is any evidence of protected species or whether the site offers habitat suitable for supporting protected species, and whether the proposed works are likely to result in impacts to those habitats or species. Unless the qualified ecologist is able to conclude that there is no reasonable likelihood of protected species being present (due to negligible potential) or that if present they are not to be impacted by the works, it is likely that further ecological survey work (Phase 2 survey) will be required prior to determination of the application. The results of any further surveys should be used to provide an assessment of the likely ecological impacts of the proposed works and to inform any mitigation, compensation and enhancement measures.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and

it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

Environmental Health

The Pollution Team can advise that we do not have any adverse comments with regard to the proposed scheme. However we recommend that the sound insulation performance standards of the new dwelling should meet the criteria within Table 4 of BS8233: 2014. A post completion statement that demonstrate that the sound insulation meet the stated standard and details are submitted and approved by the Local Planning Authority.

A condition limiting the construction work should be imposed to preserve the amenity of the neighbouring residential properties during construction activities .

Hampshire Highways Original Comment

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

The Highway Authority require further information from the applicant regarding the existing movements of the workshop, and what the use of the workshop currently is. Additionally, the Highway Authority will require visibility splay in accordance with Hampshire County Council Technical Guidance TG3 for the proposed new vehicular access. Further information can be found at the following link: TG3 - Stopping Sight Distances and Visibility Splays (hants.gov.uk)

Further information is also required regarding the boat store. Tracking should be provided for the boat store showing the ability of the boat to be able to maneuver into the space appropriately. Clarification is also requested as to whether gates are proposed on the front of the boat store.

Having regard to the above, the Highway Authority require the further information requested before a formal recommendation can be made.

Case Officer Comment: *Further comment received from Highways following submission of additional information.*

Further Comment

Thank you for your reconsultation on the above planning application. The Highway Authority wish to make the following comments.

Whilst the applicant has not submitted any visibility splays, it is agreed that the available visibility as part of the proposals provide a betterment to the existing situation and for other properties along Nile Street. It appears that due to the nature of Nile Street, low vehicular speeds and flows are likely to be present.

Drawing 5692/1201 Rev F shows boat tracking for the boat store. It is agreed that there is appropriate space for the boat to manoeuvre into the store.

Having regard to the above, the Highway Authority provide no objections to this planning application.

Natural England

Original Comments (in relation to original HRA/AA)

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 11 October 2022, 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. This advice is provided on the basis that your authority is assured and satisfied that the nutrient budget calculations are suitably precautionary and accurately reflect the proposal. We recommend that water use of 110 litres per person per day is secured.

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.

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.

Further Comments (in relation to revised HRA/AA)

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 14 November 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, Planning Policy

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

The applicant is however advised 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/>

Property Services Manager

No comment received

Southern Water

It appears that the developer is intending to build-over-to a public sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building-over-to the sewer.

The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water. The conditions and application associated with the build-over-to a public sewer are available at Southern Water's Get Connected service: developerservices.southernwater.co.uk.

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.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.

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.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:
gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

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

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

Officer Comment: A condition is recommended to ensure sewer protection and this pre-commencement condition has been agreed with the agent.

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: 5

Number of site notices: 1

Statutory advertisement: 14/10/2022

Number of representations received: 2 - several comments from each.

Comment	Officer Comment
In general terms the application is supported with the following comments: 1. Is the roof to be replaced? Is the ridge line remaining at the same height? 2. It is essential a Party Wall Agreement is entered into. 3. The current first floor south-facing window has always been frosted. See photographs. The new window, at least in part, should be frosted to avoid overlooking of No10's back garden. Otherwise supported.	Comments noted. Please see 'Planning Considerations' section of the report.

In general terms the application is supported with the following comments: 1. Drawing 1301 Rev B (northern elevation) appears to show a supporting wall to the garage immediately in front of No10. If built as shown then the car parking space to No10 would not be usable. The wall appears to be encroaching on land in my ownership. This is not acceptable 2. Is the roof to be replaced? Is the ridge line remaining at the same height? 3. It is essential a Party Wall Agreement is entered into. 4. The current first floor south-facing window has always been frosted. See photographs. The new window, at least in part, should be frosted to avoid overlooking of No10's back garden. Otherwise supported.	Noted- plans have since been amended to bring proposals within the ownership boundary of the site.
Although we haven't any objections to the proposed construction opposite our residence, we are very concerned about the wall of the boathouse still being very close to road, we would like you to consider pushing this back at least 1 foot, the reason being this is the narrowest part of the street and its the only property that is on the road with no footpath, which has always been a danger from speeding traffic if walking from south street car park. Also access to our garage is made very difficult as its so narrow. There is no indication on the proposed plan that the roof height will remain the same as we have already lost 30 percent of our natural daylight and warmth to our living area from the construction of No 10 Nile Street. [redacted]	Noted- please see Highways comments in the report below. Please see ' Planning Considerations' section of the report.
We note on amended proposed plans for 12 Nile street that a bin store has been added , this will impede our access to our garage As the street is at its narrowest point for turning This may effect us using our garage hence getting another car off Emsworth busy streets	Please see 'Planning Considerations' below

It is noted that amendments have been made. The proposal is generally supported, subject to the following points of clarification: 1. The south facing window on the first floor is shown to have obscure glass. Please make this a condition otherwise my back garden will be overlooked. There is obscure glass at present. 2. The new garage is no longer going to be built incorporating the party wall to the east. There are no measurements on the plan, however, the new wall appears to be higher than previously submitted. It was previously 3 brick courses higher than existing, which was fine. Any more would restrict light into the sitting room.	Please see 'Planning Considerations' section of the report.
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7 **Planning Considerations**

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area, the conservation area and the AONB
- (iii) Impact upon residential amenity
- (iv) Parking and highways
- (v) Environmental Health
- (vi) Ecology
- (vii) Other matters
- (viii) Flood risk
- (ix) Community Infrastructure Levy

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site is also within the AONB and Conservation Area and further consideration is given to this below.

7.3 The property has very little planning history associated with it and appears to have no address linked to it - there is little evidence of the previous use although it is understood this was used as a personal hobby workshop for many years before being left derelict/ out of use for some time. There is therefore no established evidence of a commercial use and in the circumstances it is not considered that the loss of a business use can be identified. That being the case, policy CS2 of the Havant Borough (Core Strategy) which considers the loss of employment premises is not considered to be engaged by the proposal. Policy DM3 also seeks to protect existing employment uses, however again a history of relevant employment uses at the site

has not been established. Chichester Harbour Management Plan 2019-2024 Third Review PP02 seeks to safeguard marine enterprise, however, again there is no evidence that the site has been used for a marine enterprise for a long period if ever. It is not considered in this case that a period of marketing could be justified by these policies. It is noted that it would be appropriate for some use to be found for the building to secure its future.

(ii) Impact upon the character and appearance of the area the conservation area and the AONB _

- 7.4 This proposal comprises the conversion of the existing workshop building to a one bedroom dwelling. The existing garage would be removed and rebuilt as a boat store accessed via Nile Street whereby the front entrance and parking space would also be provided.
- 7.5 The existing two storey element of the building is to be left as is with internal alterations and, as noted above the rear garage would be demolished and replaced with a boat store of a similar design which would have a reduced width of approximately 3.7 metres and an eaves height which would be raised by approximately 40 cms but would retain the pitched roof design. There would be an overhanging porch roof with a front door and a space would be left towards the front of that to allow for one outdoor parking space. Internally at ground floor level the front door would lead into a hallway with a staircase providing access to the first floor as well as to a wc and a double bedroom which would be served by a rear elevation window. At first floor level would be an open plan living/kitchen area which would be served by two windows to the north elevation and one to the south elevation.
- 7.6 The building would be left largely as it is, with the changes fronting Nile Street specified above. For this reason there is considered to be minimal impact on the wider character of the area . The proposed use would now be residential, however, this reflects the wider use of the area as a whole and there has been no evidence of commercial marine use for the LPA to look to preserve . The proposal is deemed to accord with policies CS16 of the Havant Local Plan as well as policies D1, D2 and D3 of the Emsworth Neighbourhood Plan.
- 7.7 The site is located within the Emsworth Conservation Area and therefore Havant's Conservation Officer has been consulted on this proposal and has no objection to uphold subject to material samples and window details conditions. The applicant has provided these up front and the Council's Heritage Officer has been re-consulted in this regard. They have confirmed they are happy for the conditions to now be removed.
- 7.8 The site is located within the Chichester Harbour AONB and therefore the Chichester Harbour Conservancy have been consulted. Initially concerns were raised in regards to the potential marine use of the building however the lack of use history has been discussed with the Chichester Harbour Conservancy who are now aware of the building history. No objection has been raised in regards to the proposal. The proposals are considered to have a limited and acceptable impact on the character and appearance of the AONB.

- 7.9 Overall, the proposals would meet the test of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area. It is considered that the development would preserve the Conservation Area

(iii) Impact upon residential amenity

- 7.10 To the east of the application site is No. 10 Nile Street which is accessed via Nile Street and has a living room window located close to the shared boundary. The rebuilt boat store would have an increased wall height of approximately 40 cms, however, this is not considered to result in harmful overshadowing to this window at No.10. The first floor rear (south facing) elevation would now form a living area / open plan kitchen- this would be served by a south facing first floor window. This would be set away from the boundary shared with No. 10 and would have views across the car park rather than directly down into private amenity spaces and the view is not considered to result in harmful loss of privacy .

- 7.11 To the west of the application site is no 14 Nile Street- there is a space between the properties measuring approximately 7 metres in width. The proposal would not offer new windows on the west side elevation and no harmful impact to this property has been identified.

- 7.12 To the north of the application site are nos 15-11 Nile Street. Two first floor windows would serve the living area on the north elevation although it is noted that these windows are already in place within the existing building. The existing layout of the street, comprising of a narrow lane means that properties face one another within fairly close proximity and this is the set precedent. Noting this layout and the existing windows, which would be set back behind the boat store, this would be one of the largest set back distances between windows within the street. Given this context, the impact is considered to be acceptable.

(iv) Parking and highways .

- 7.13 The proposal is for a one bedroom property and one parking space has been provided which would meet the parking requirement for one space. The store currently comes right up to the highway. There is also an internal boat store proposed. Highways have been consulted on this proposal as the access road is narrow and they have no objection to this proposal noting that the visibility would be improved from the existing garage which comes right up to the highway. The doors currently open outwards- the up and over door proposed for the garage would not result in a worsened impact than existing. Bin collection point is shown in a position within the line of the existing building area to be demolished.

(v) Environmental Health

- 7.14 Environmental Health have been consulted on this proposal and have requested that sound insulation performance standards of the new dwelling should meet the criteria within Table 4 of BS8233: 2014 a condition has been applied in this regard. In addition construction hours should not disrupt surrounding residents - please see the attached informative.

(vi) Ecology .

- 7.15 The Ecologist has been consulted on this proposal and has requested that a bat survey should be undertaken - this was provided in the spring and summer of 2023 and this confirmed that no bats were observed roosting within the building - the report states several mitigation measures which should be secured via condition as requested by the Council's Ecologist who has been reconsulted following submission of the bat report - the following condition shall be applied

Development shall proceed in accordance with the ecological impact avoidance measures as detailed in sections 6 and 7 of the Bat Survey Report (AEWC, August 2023) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

(vii) Other matters .

- 7.16 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.
- 7.17 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.18 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA/AA 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 indicated a willingness to enter into a legal agreement to secure the mitigation packages. Both payments have now been received.

(viii) Flood risk

- 7.19 The site is not within a flood zone nor is it within a future flood zone.

(ix) Community Infrastructure Levy

- 7.20 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 £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.
- 7.21 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 79.6 m². The applicant has not claimed relief, assuming liability.

8 Conclusion

- 7.22 The proposed new dwellinghouse is considered to be acceptable. The development would not be harmful to the locality, Conservation Area / AONB or residential amenity. In highways and parking terms the proposal is acceptable, and matters raised by consultees can be appropriately addressed by conditions and/or informatives. Therefore, the proposal is considered to accord with the development plan when considered as a whole and the National Planning Policy Framework and would be appropriate to be recommended for approval.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/22/00831 subject to the following conditions

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

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

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

SK06 MATERIALS SCHEDULE
BAT SURVEY REPORT 22-195 AUGUST 2023
1201G PROPOSED GROUND FLOOR
1202A PROPOSED FIRST FLOOR
SK04 WINDOW & DOOR PLANS & ELEVATIONS
SK05 WINDOW SECTIONS & GLAZING BAR DETAILS
1401C PROPOSED SECTIONS
22-195-BA BAT ASSESSMENT REPORT V2
ACHE1748- 5692 SOUND INSULATION PREDICTION (V8.0.1)
1301 D AMENDED PROPOSED NORTH AND EAST ELEVATIONS

1302 B AMENDED PROPOSED SOUTH AND WEST ELEVATIONS
SK01 PLAN SHOWING NOTIONAL BOUNDARY
1401 B SECTIONS
1001 LOCATION AND BLOCK PLAN
HERITAGE AND DESIGN AND ACCESS STATEMENT PWP ARCHITECTS

Reason: To ensure provision of a satisfactory development.

- 3 Development shall proceed in accordance with the ecological impact avoidance measures as detailed in sections 6 and 7 of the Bat Survey Report (AEWC, August 2023) unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide ecological protection in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E, of Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

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.

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

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

- 6 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.

- 7 At all times following occupation of the development hereby approved, all measures or 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.

- 8 The sound insulation shall meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings and a post completion statement shall be provided that demonstrates that the sound insulation meets the stated standard. These details shall be submitted and approved by the Local Planning Authority prior to occupation.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise level in accordance with policies DM10 and CS16 of the Havant Local Plan.

- 9 Prior to the commencement of development details of measures which will be undertaken to protect public sewers shall be submitted to the Local Planning Authority and agreed in writing in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect public infrastructure and avoid flood risk having due regard to Havant Borough Local Plan (Core Strategy) policies CS15, CS19 and DM10 and the National Planning Policy Framework.