
Site Address: 63 Silvester Road, Waterloo, PO8 8TR
Proposal: Proposed erection of rear ground-floor extension; insertion of third-floor front and rear dormers and replacement first-floor side (northwest) bay-window; and provision of five new bedrooms (to make a total of 40).
Application Type: Full Planning Permission
Application No: APP/22/01178 Expiry Date: 30/01/2023
Applicant: Mr Geach
Nightingale Court Care Home Ltd
Agent: Mr Tutton Case Officer: Tina Pickup
Robert Tutton Town Planning Consultants Ltd
Ward: Hart Plain

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to Nightingale Court, a three storey, 35 bed nursing home, located on the south side of Silvester Road, opposite Glenwood Gardens (permitted by 09/57881/018 on 26/3/2010). It is constructed of a mix of red and buff bricks, with double bay at the front, beneath a hipped roof with wall dormers and roof lights. Due to the width and depth of the main building the roof has a large flat top with flat roof lanterns. To the rear there is a single storey extension that has a staggered footprint with false hipped pitched roof hiding the flat roof behind.
- 1.2 The site is located in a residential area, generally characterised by a mix of semi detached and detached two storey dwellings fronting the road, of mixed age and style. Immediately to the west is a pair of Victorian semi detached dwellings set at approximately the same frontage alignment as Nightingale Court. But due to the larger scale of the nursing home development the built form of the application site extends deeper into the site than number 67, with the two storey development having a side to side separation of some 10m, but the single storey much closer to the shared boundary. Number 67 has 1 landing window in its side flank elevation and a detached garage set back behind the house, close to the shared boundary.
- 1.3 To the east is a pair of chalet style dwellings with backland bungalow, 61b, set behind, accessed via a side drive between the application site and the frontage dwellings. To the rear of the site is a private cul-de-sac of chalet bungalows with the northern one having its side gable facing into the rear garden of the application site. This rear boundary is hedged for screening, the side boundaries are fenced.
- 1.4 The site has two vehicular access points, operating as a one-way system with an 'in' and 'out'. The frontage is bounded in part by low walls and the central section has low railings. The land around the building is hard surfaced in block paving and laid out for the parking of 10 cars. There are double yellow lines in front of the site and around the junction of Glenwood Gardens opposite.

2 Relevant Planning History

07/57881/009 - Erection of 3 storey care home providing 35No. beds, associated parking and altered access to Silvester Road., WD,24/01/2008
08/57881/010 - Erection of 35 bedroom care home., UNK,
08/57881/011 - Erection of 35 bedroom care home., UNK,
08/57881/012 - Erection of 3 storey care home providing 35No. beds, associated parking and altered access to Silvester Road. (Revised application.), PERM,26/09/2008
08/57881/013 - Discharge of Conditions No's 3, 7, 8, 9, 10 & 21 of Planning Permission 08/57881/012., PERM,08/01/2009
09/57881/014 - Discharge of Condition Nos 2, 4, 5, 6, 11, 19 and 24 of Planning Permission 08/57881/012., SPL,27/03/2009
09/57881/015 - Discharge of Condition No. 19 of Planning Permission 08/57881/012., REF,30/07/2009
09/57881/016 - Discharge of Condition No. 4 of Planning Permission 08/57881/012., PERM,07/09/2009
APP/10/00013 - Discharge of Condition No's 2, 3, 4, 5, 6, 7 and 15 of Planning Permission 09/57881/018. , PERM,13/04/2010
APP/10/00044 - Discharge of Condition No. 22 of Planning Permission 09/57881/018. , PERM,06/07/2010
APP/10/00601 - Discharge of Condition No.s 6 & 7 of Planning Permission 09/57881/018., PERM,09/02/2011
09/57881/017 - Discharge of Condition No. 19 of Planning Permission 08/57881/012., PERM,12/10/2009
09/57881/018 - Erection of 3 storey care home providing 35No. bedrooms, associated parking and altered access to Silvester Road. (Revised application.), PERM,26/03/2010
APP/10/00685 - Application for non-material changes to Planning Permission No. 09/57881/018 relating to include a 200mm high upstand to the main flat roof., PERM,09/11/2010
APP/10/00799 - Application to vary Condition 13 of Planning Permission 09/57881/018 to request that the roof light windows in the north west elevation are not required to be obscurely glazed. , PERM,26/04/2011
APP/13/00203 - Forming of new roof space to allow new staff training room and changing facilities., PERM,22/07/2013
APP/13/00202 - Removal of Condition 13 of Planning Permission 09/57881/018 relating to obscured glazing to first floor window in west elevation., WD,25/03/2013
APP/13/00365 - Replacement of existing casement window in west elevation by new bay window with partial obscured glazing., PERM,22/07/2013

3 Proposal

- 3.1 Proposed erection of rear ground-floor extension; insertion of third-floor front and rear dormers and replacement first-floor side (northwest) bay-window; and provision of five new bedrooms (to make a total of 40).
- 3.2 The plans submitted indicate the home is to undergo some comprehensive internal alterations with some room re-configurations, which largely do not require planning permission. The works and alterations that do require permission include a ground floor rear extension which would square off the existing staggered ground floor rear addition, and in so doing create 2 additional single bedrooms at ground floor level as well as a larger dining room. The internal works at ground floor level include alterations to the existing reception area, and the conversion of the closest bedroom to the reception to an office for staff ie the loss of bedroom number 101. As a result there would be the net gain of one bedroom on the ground floor.
- 3.3 At first floor level the alterations would result in one additional bedroom which would have a proposed box bay window addition on the west elevation, with hipped pitched roof above to match another existing box bay on this elevation. The main western facing pane of glass in the proposed bay would be obscure glazed, but the 2 side panes facing north and south would be clear glazed.
- 3.4 The internal changes at second floor level do not result in any changes to the number of bedrooms. At third floor, within the roof space, the rooms are currently only used for staff (by virtue of APP/13/00203 which limits the use of the third floor to staff facilities only via condition) and the proposal is to convert the space to create 3 additional bedrooms. These would each have a new dormer window, such that the proposal includes the addition of two flat roofed dormers in the rear, south, roof slope, and the formation of a front dormer in the north roof slope by making a hip to gable conversion of the front central roof section, with insertion of a window in the new gable end.
- 3.5 As a result of the alterations there would be a net gain of 5 bedrooms at the site, increasing from 35 to 40 residents. One additional car parking space is proposed, by having a tandem space on the western boundary. A highway technical note has been submitted in support of the application.

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)
CS21	(Developer Requirements)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM7	(Elderly and Specialist Housing Provision)

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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Building Regulation consent will be required for this work

A Public Sewer runs under the existing and proposed extension Consult with Southern Water Service

Ensure additional door/windows on side elevation does not effect Unprotected areas issues under AD B

Communities Manager

None received

Community Infrastructure

CIL would not be sought for class C2 care home unless some of the accommodation is identified as self-contained for use by staff.

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:

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

Pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Southern Water - initial response

Appears building over a public sewer which is not normally permitted; investigation of the sewer will be required before any decision on acceptability of building over.

Length of sewer to be built over under terms of Part H of Building Regs dictates it is a matter for SW - see conditions on website.

Any other sewer found on site should be investigated; to protect apparatus condition recommended for measures to protect the sewer

Formal application required for any new connection; where surface water to be discharged should follow part H3 of Building Regulations with re-use encouraged.

Southern Water - on additional sewer plan

Applicant proposing to divert a public sewer which must be approved by SW; all other comments remain

Environment Agency

None received

Hampshire Highways

None received

Natural England

NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

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 13th January 2023, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions

Solent Recreational Disturbance

The HRA sets out the existing care home for the elderly (C2 uses) specialises in care for people with dementia and other special care categories as such these residents are unlikely to generate additional recreational trips to the SPA. It is generally considered that 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. Provided Havant Borough Council is satisfied the following measures can be appropriately secured, then Natural England agrees that no financial contributions to the Solent Recreation Mitigation Partnership are required:

- There is no self-contained staff/resident accommodation;
- That the use of the property is limited to that of C2 care home;
- The care home shall not be occupied other than by persons of limited mobility and who require full time nursing.
- Car parking will be restricted exclusively to staff and visitors only, and not able to be accessed by members of the public.

Nutrient Neutrality

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

Nutrient Team

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, the applicant is 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/>

Portsmouth Water Company

no concerns regarding impacts to groundwater quality; no conditions necessary

Traffic Management

The traffic team would not request any additional parking space for the addition of five additional bedrooms, but would raise parking concerns if there were to be an additional amount of staff employed.

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: 12

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
<u>Parking & traffic</u> car park small and people park on road or half on the pavement which obscures views for owners accessing drives; also park on double yellow lines; Even though there are 10 allocated parking spaces, staff & visitors tend to park in the road as the car park is tight and required reversing in or reversing out of the car park due to no turning space. Silvester Road is a very busy road, with many non residents using it as a cut through between London Road and Milton Road vehicles speed along road	Noted - see section 7 below there are no parking restrictions preventing such
<u>Sewer</u> Planning history includes refusals based on overload to sewer, so how is sewage system to cope with more rooms added? Moving the main sewer will also impact the small soakaway	These are historic and SW may well have upgraded the system since; current advice from SW is pertinent to this application
<u>Scale of development/overdevelopment</u> Building already big and dominates nearby houses; an imposing commercial structure in residential street scene; building is overpowering and already over sized for the 1.7Ha plot	Noted - see section 7 below

<u>Intensification of use</u> 5 more bedrooms will increase staff, waste, food deliveries, doctors, ambulances, relatives visits which all generates noise occurring 24 hours;	Staff not increased, other increases marginal to an established use
<u>Surface water drainage.</u> The surface water is supposed to discharge into a soakaway in the rear garden, the 27m³ soakaway is buried in the rear garden. The soil is heavy clay with poor drainage capability & as a result the excess surface water floods out into the neighboring properties to the West which are 1/2m lower than the care home ground level. Increasing the size of the building and losing even more permeable ground, adding on additional dormers and the extended tiled parapet tiled roof around the ground floor roof is going to be exacerbating the flooding to the neighboring properties. Additional roof surface area = 70m² and the additional loss of 70m² water permeable ground as well is not going to improve the situation.	Adequacy of soakaway a Building Regs matter Additional flood risk from minor development not sufficient to justify a reason for refusal; drainage and soakaway to be approved by both SW and Building Regs
<u>Overlooking</u> The addition of the bay window with frosted glass on the West elevation is only half the prevention. The prevention from looking out through the side clear windows is controlled by the bay window being wider & centrally positioned over the old window aperture. The angle of overlooking control is to the South West side of this new Bay window. The lower frosted windows on the West elevation are fixed and non-opening	Noted - see section 7
<u>3rd Floor planning & Building control.</u> The care home does not have planning approval for the 3rd floor. The original planning only referenced a roof void. If they are using this space as habitable areas, then they are breaking the planning approval & have already increased the commercial floor area of the property by a further 110m² without planning approval.	Planning permission APP/13/00203 permitted use of roof space for staff purposes. Council Building Inspector confirmed that Building Regs only control headroom over stairwells under approved Document K which must be at least 2m

The roof void ceiling height is only 2.1m high maximum. Building regulations specify that Habitable spaces must have a minimum ceiling height of 2.3m which the roof void does not have. This means that the care home is breaching both planning and Building control regulations if it continues down this route.	
<u>Construction issues</u> The rear wall of the ground floor extension falls directly over the main sewer and the limited 1.5m wide access is not going to allow large machinery access round the rear of the property to do the large excavation required	A management/builder issue
<u>Light pollution</u> The new light up sign facing onto Silvester Road is extremely bright and remains on, I believe, all night, which causes light pollution	The Advert Regs allows illuminated signs; any complaint re the light should be directed to Enforcement team to check compliance with the regs
<u>Privacy</u> concerned that neighbours at 61 and 67 Silvester Road will have loss of privacy due to the proposed changes to windows.	Noted - see section 7

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) Appropriateness of design and impact on the character of the area
- (iii) Impact upon residential amenity
- (iv) Highways, parking and drainage
- (v) Compliance with Habitats Regulations

- (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. Adopted policy DM7 specifically considers elderly person and specialist housing provision. As an application for an extension to an existing established care home, it is the detailed criteria with respect to amenity space and outlook for residents, setting, and ongoing servicing, that are relevant to be considered below.

(ii) Appropriateness of design and impact on the character of the area

- 7.3 The proposed single storey extension would be to the rear of the site and enclosed within the existing secure rear garden area. As such it would not be visible from any public vantage point and have no impact on the street scene. The other external alterations (front gable dormer, side bay window and 2 rear dormers) are all of designs and proportions in keeping with existing features on the building and would therefore be visually appropriate to the context of the building and street scene.
- 7.4 It is acknowledged that the building is already a large development and the proposed ground floor extension and internal alterations resulting in a net gain of 5 residents, would result in an intensification of use of the site. But the site is larger than a standard residential plot and can accommodate the scale of building. The physical alterations to the building would be sympathetic and relatively modest. The increased footprint at the rear would result in some loss of garden space for residents, and increased plot coverage, but nevertheless a rear garden space of up 14m in length and 30m wide would remain and provide an appropriately spacious setting to the rear.
- 7.5 The site is still considered to be appropriate to the residential scale and character of the area within which it is set. Overall the design and appearance of the proposal is deemed appropriate in context to the main building and the proposal is considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Impact upon residential amenity

- 7.6 In terms of impacts on neighbouring amenity, the proposed squaring off of the ground floor extension would extend the east elevation by 7m, with eaves height of 2.5m and overall height of 4.2m to match the existing false pitch roof. This would bring the building bulk closer to the eastern boundary where a side separation of between 2m and 2.5m would be retained to the eastern boundary. This additional length of extension would extend the development up to, and slightly beyond, the front elevation of the adjacent backland bungalow at 61B. This property has its side drive and set back garage adjacent the shared boundary. The additional building mass will create a further sense of enclosure to the frontage of number 61B, but given the side separation and single storey nature of the development with eaves height kept at 2.5m, then the actual harm would be limited. Any additional overshadowing would be limited and fall on a drive area rather than private amenity space or rooms. Overall it is considered that the impact on number 61B would be limited and not so harmful to amenity as to justify a reason for refusal.
- 7.7 In order to avoid adverse overlooking of the adjacent neighbouring properties, a condition was placed on the original planning permission APP/09/57881/018 for the care home that required the windows at first and second floor level in both the northwest and southeast elevations to be constructed of obscured glass with only the top light capable of being opened. APP/13/00365 subsequently varied one of the windows in the northwest elevation to a bay with partial obscure glass, conditioned that the west facing glass be divided horizontally at least 1.7m above internal floor level, with only the top light capable of being opened, and the lower panes to be obscure glass; and the north and south panes be fixed shut at all times.

- 7.8 The proposed new bay window at first floor level on the west elevation would similarly replace an existing obscure glazed window in the same position, with another bay window as already approved by APP/13/00365. The alignment of the existing window and proposed dormer is adjacent to the rear sitting out area of number 67 to the west, but would be set back some 7.5m from the shared boundary. As was noted in the assessment of APP/13/00365, any views from the clear side panes would be very acute and largely over the application site itself, any acute views over 67 would be along their driveway and garage. Overall it is considered that any resultant overlooking from the proposed partially glazed bay window, would be very marginal, and insufficient to justify a reason for refusal. It is considered that the glazing and opening of the bay window should be conditioned as per the conditions imposed on APP/13/00365, to protect neighbouring amenity.
- 7.9 The proposed new front dormer would have a view to the street and in particular directly over the junction of Glenwood Gardens, and would not result in any direct loss of amenity to any nearby dwelling. Similarly the two rear dormers would have a separation of about 35m to the side elevation of the nearest property to the south, and given the number of windows already in the rear elevation, it is considered that the additional rear dormers would not materially add to any real or perceived overlooking.
- 7.10 In terms of amenity for future occupiers, policy DM7 requires appropriate levels of on-site amenity space accessible to meet the needs of residents with a satisfactory outlook. Whilst it is recognised that the rear garden would be reduced in size as a result of the ground floor extension, nevertheless the available garden provides a reasonable outlook and access to patio area outside the doors, suitable for residents with restricted mobility, and commensurate to their needs. As part of the proposal which increases resident numbers by 5, the internal communal spaces are also being amended with an enlarged ground floor dining room; conversion of the first floor chapel to another lounge/dining area; retention of the library on the second floor and creation of a hair salon. Overall the communal spaces and facilities would be accessible for all (with an internal lift) and the outdoor amenity area is considered adequate for the residents, to comply with policy DM7.
- 7.11 Overall, with adequate conditions to ensure the bay window is obscure glazed and non opening where below 1.7m measured internally, the proposal is considered to have acceptable impact on neighbouring amenity, and would provide adequate amenity for existing and future residents, meeting the requirements of Policies DM7 and CS16 of the HBLP (Core Strategy).

(iv) Highways, parking, and drainage

- 7.12 Access to the site would remain unchanged and the plans indicate the provision of 1 additional space, provided in tandem on the western boundary. The supporting Highway Technical Note submitted notes the accessible location of the site with proximity of bus stops and routes regularly serving the local area. It also indicates that in the week there are typically 13 staff at any one time, reducing to 10 at the weekends, with most staff being local and either walking or using public transport, with a few driving or car sharing.

- 7.13 The existing 35 bed home was approved with 10 on site spaces. The adopted Parking SPD sets out that 1 space per 4 residents and 1 space per staff typically present on site at any one time should be provided. The proposal would result in 5 additional residents but no additional staff. As such 1 additional on site space would serve the 5 additional residents and would technically meet the Parking SPD requirements for the proposed development.
- 7.14 It is however recognised that overall the site has a shortfall of parking and third party comments do note the tight parking on site with overflow onto the local road. There are double yellow lines directly outside the site, which would prohibit parking (except for emergency ambulances responding to a call), and any vehicles parked on double yellow lines would be a police matter. Otherwise, where no parking restrictions apply, then in fact visitors to the care home can legally park on the highway, and any indiscriminate parking would either be a matter for the management of the care home to follow up, or for the police. At the time of making the site visit there was plenty of space on Silvester Road and it is considered likely that on-street capacity exists for any overflow demand. It is also noted that the Traffic Team raise no objection, based on the fact that there are to be no additional staff.
- 7.15 It is also considered that the marginal increase in number of residents would not significantly increase deliveries or servicing of the home. Since there is technically no shortfall of on site parking to serve the proposed 5 additional rooms, which meets the Parking SPD and policy DM14, then overall it would be difficult to refuse the development on parking or highway grounds.
- 7.16 With respect to drainage, there is an existing sewer that runs under the single storey side addition and extends across into the garden. It is proposed to build over this sewer and make some new connections. Such works require the consent of Southern Water and the agent has confirmed acceptance of a pre-commencement condition to cover this technical matter.

(v) Compliance with Habitats Regulations

- 7.17 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that with respect to potential recreational pressures, due to the fact that the site is a residential care home for the elderly which specialises in care for people with dementia and provides 24 hour care, then the additional 5 residents would be unlikely to make independent recreational trips to the SPA(s). As such the additional residents were considered unlikely to generate additional recreational trips to the SPA(s) and as a result it was concluded that there would be no increased recreational harm and mitigation via the Solent Recreational Mitigation Strategy was not necessary.
- 7.18 However the screening found that there was likely to be a significant effect on several Solent European Sites due to the decrease in water quality that would result from the proposed development resulting in 5 additional residents.

- 7.19 The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of measures based on the Position Statement on Nutrient Neutral Development. With respect to the water quality issue and the Councils updated Position Statement, 2022, the applicant has been able to use the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A bespoke nitrogen budget was received, based on the 5 additional residents, that showed a 1.82 kg/TN/year nitrogen load. A Unilateral Undertaking has been received, together with the appropriate contribution of £5,483.00 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add the relevant maintenance conditions.
- 7.20 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment, provided the mitigation is secured and with respect to SRMS: the development has no self-contained staff/residents accommodation (there is none); use of the site is limited to C2 care home only (site has a lawful C2 use); the care home shall only be occupied by persons with limited mobility who require full time nursing (this cannot be conditioned but by virtue of being a C2 care home residents would need a degree of care and be unlikely to make independent trips); and car parking is restricted to staff and visitors and not the public (a management issue). Natural England have been advised of the LPA's responses to these 4 points and have confirmed it is for the LPA to be satisfied that the existing C2 use covers the points raised. As an extension to a lawful C2 use it is considered that the additional 5 residents would not result in any increased recreational impact and the lawful use of the site and approved layout is sufficient to control this.

8 **Conclusion**

- 8.1 The proposed alterations are modest in scale and the site is considered capable of accommodating the additional residents in terms of amenity space and parking. With sufficient conditions to ensure the bay window is obscure glazed then the alterations would have an acceptable impact on neighbours amenity. The appropriate mitigation has been secured to offset the additional nitrogen load arising from the additional 5 residents to comply with the Habitats Regulations. Overall the scheme is considered acceptable, in compliance with relevant policies CS16, DM7 and DM14 and is recommended for permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01178 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:

Location Plan - Drawing Number D-100
Proposed Site Plan - Drawing Number D-111 Rev E
Proposed Sewer Plan - Drawing Number D-041
Proposed Ground Floor - Drawing Number D-218 Rev C
Proposed First Floor Plan - Drawing Number D-220 Rev F
Proposed Second Floor Plan - Drawing Number D-222 Rev B
Proposed Third Floor Plan - Drawing Number D-224 Rev E
Proposed Elevations - Drawing Number D-315 Rev C
Design & Access Statement by Robert Tutton Town Planning Consultants Ltd dated 30 November 2022
Nutrient Assessment & Budget dated 20/10/2022
Highway Technical Note by Nick Culhane dated November 2022

Reason: To ensure provision of a satisfactory development.

- 3 At all times following occupation of the development hereby approved, all sanitary fixtures and fittings which are installed as part of the development hereby permitted shall comply with the water efficiency standards set out in table 1 of the Position Statement and Mitigation Plan for Nutrient Neutral Development (April 2023). All measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 The three windows in the west facing elevation of the bay window hereby approved shall consist of at least two lights divided horizontally with only the top light capable of being opened, which shall be at least 1.7m above internal floor level and the lower panes of glazing on the west elevation shall at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

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 north and south facing windows of the bay window hereby approved shall remain fixed shut at all times unless otherwise agreed in writing by 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.

- 6 No development hereby permitted shall commence until the details of the measures which will be undertaken to protect the public sewers crossing the site and any public sewer diversion or build over agreement is made to and agreed in writing with Southern Water, with a copy provided to the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage protections and provision, in full accordance with any plans and particulars as are agreed by Southern Water.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 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.

- 8 The additional car parking space, and existing servicing 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 DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 The accommodation at the site following the implementation of this permission shall not exceed a maximum of 40 single occupancy bedrooms unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application submitted and in order to control any more intensive use of the site in the interests of the amenities of the area, highway safety and European designated nature conservation sites, and having due regard to Policies CS11, CS16, DM10 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.