
Site Address:	11 East Street, Havant, PO9 1AB		
Proposal:	Erection of 6No. 3bed dwellings, with 4 No. car parking spaces.		
Application No:	APP/20/00935	Expiry Date:	02/12/2020
Applicant:	Mr Heather P&N Development & Investments Ltd		
Agent:	Mr Galloway Peter Galloway Architects	Case Officer:	David Eaves
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located in East Street in Havant Town Centre and forms part of the St Faiths conservation area. The site of the proposed buildings has been cleared with hardcore on the site the result of the demolition process which has taken place on buildings and extensions to the rear of 11 East Street. To the south is a vacant three storey building which fronts onto East Street. This was previously Streets hardware shop at ground floor level and this has not been used since 2008. The two upper floors were offices but have previously been granted planning permission to convert into residential flats. They are accessed via an internal staircase. To the east are storage buildings that appear to be linked to The Bear Hotel. To the north is a chapel building converted into residential units and including a rear south facing balcony. There is also a storage building that appears to be currently unused, this has consent for residential re-development. To the west are residential three storey flats and a consent for further residential development.

To the south of the site is No. 13 East Street which is a Grade II listed building. The buildings on East Street are positioned hard up to the pavement and there is no off road parking. Historically, the character of East Street was predominantly commercial however over time and due to the concentration of retail units on North and West Street and Park Road South, the demand for units on East Street has fallen. As such, it has now been undesignated as a main shopping frontage within the Local Plan. Whilst businesses and some shops are still located on East Street, it has more of a residential character to it than the other main streets of the town centre.

2 Planning History

02/56407/000 - Change of use of first and second floors to 2 No. self contained two bedroomed flats with pedestrian access to East Street., PERM,12/02/2003

APP/15/01227 - Alterations to ground floor to provide 1No. 2 bedroom apartment and adaptations to upper floors to remodel 2No. 2 bedroom apartments (approved 20.1.16). Request to discharge condition numbers 2, 4, AND 5 (received 13.7.17)., PERM,20/01/2016

APP/15/01228 - Demolition of link building between 11 East Street and existing retail warehouse to the north., PERM,20/01/2016

APP/17/00694 - Demolition of existing buildings and erection of 6 no. town houses with associated access and car parking., PERM,08/09/2017

This consent is similar to the current approval.

There are three relevant recent planning permissions on adjoining sites:

APP/20/00913 10A The Pallant - Demolition of existing buildings in a conservation area and erection of 2 No. 3 bed houses, 1 No. 1 bed apartment and 1 No. 2 bed maisonette. Permitted 10th February 2021.

APP/20/00933 9 East Street - Demolition of existing retail unit (no. 9 East Street) and construction of 10 no. supported living units, use Class C2 Permitted 26th February 2021.

APP/20/00936 5-7 East Street - Erection of 4 storey residential building comprising of 1No one bed apartment and 7No two bed apartments. Permitted 11th February 2021.

3 Proposal

Erection of 6 No. 3bed dwellings, with 4 No. car parking spaces.

The dwellings would be provided with vehicular and sperate pedestrian access from The Pallant and would comprise a terrace of two and a half storey dwellings including rooms within the roofspace served mainly from dormers. The two end units would have a lower roof height. The roof would be pitched hips to the northern and southern ends of the terrace. The materials are show as facing bricks and grey eternit slates although a condition is recommended in relation to the final material approval. The dwellings would have small gardens to the eastern side.

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)
CS4	()
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
DM20	(Historic Assets)

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)

Havant Borough Pre Submission Local Plan 2036

E21	(Aquifer Source Protection Zones)
E24	(Contamination)
DR1	(Delivery of Sustainable Development)
E20	(Drainage infrastructure in new development)
KP1	(Havant Town Centre)
E1*	(High quality design)
H1*	(High quality new homes)
E13	(Historic environment and heritage asset)
H3*	(Housing density)
H4*	(Housing mix)
E12	(Low carbon design)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

This property is in a Radon area so consideration under AD C will be required

Works maybe within 3m of a public sewer. Consult with SWS

Compliance with AD B5 Fire Authority access to be shown

Bin storage provisions should comply with AD H

Building Consent will be needed for this application

Officer Comment: A condition is recommended in relation to sewer protection.

Community Infrastructure

CIL charge based on the figs submitted on Additional Info Form are: £64,221.43

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

(b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Conservation Officer

Final comment re solar panels

We would need a condition for the solar panel details. The changes to the windows are fine from a heritage perspective.

UPDATED RESPONSE FOLLOWING THE SUBMISSION OF AMENDED PLANS

Following concerns raised in the previous response, the plans have been amended to reduce the height of the terrace at either end. Also, the projecting gable section has been removed from the front elevation.

With regards to the reduced height sections, the roof is not a full pitch and will incorporate a flat roof element. This is not ideal however on balance, the flat roof sections will not be highly visible in the wider context of the streetscene, or Conservation Area.

Overall it is now considered that as it has been amended accordingly, the scheme can now be supported on heritage grounds. On balance, it meets 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.

Conclusion -

No Objection, subject to the following conditions:

1. Notwithstanding what is shown on the approved drawings, or submitted with the application, no above ground construction shall commence until full details, including samples and details of all external materials and finishes have been submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

2. Details of the siting and design of any proposed external meter boxes/metal ducting/flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground construction development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the conservation area having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3. No above ground construction shall start until manufacturers details of the proposed windows (including roof light windows) and external doors have been submitted and approved in writing by the local planning authority. The details to comprise:-
 - a) a 1:20 plan, section and elevation shown in relation to the opening into which it is to be set,
 - b) full size glazing bar section,

b) the method of opening and external finishes.

All work shall be carried out in full accordance with such approval and be retained thereafter.

Reason: To ensure the detailing is appropriate to this key site within the St Faiths Conservation Area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

Original Comments:

Background

The application site occupies an area to the rear of buildings facing East Street. This is a tight urban site with many constraints and is key to the wider regeneration of the area.

The site lies within a designated Conservation Area and is adjacent to 10 The Pallant and The Bear Hotel (Grade II Listed).

Planning Permission APP/17/00694 has been granted for the redevelopment of rear of No. 11 East Street to include a mews development of 6no. dwellings.

Proposal

Erection of 6No. 3bed dwellings, with 4 No. car parking spaces (amended scheme to PP APP/17/00694).

Legislative and Policy Background

The site lies within a Conservation Area and adjacent to a listed building, therefore the following legislation and policies are relevant.

Section 66 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 listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

The National Planning Policy Framework (NPPF) sets out the policies that the Council must take into account when determining planning applications. The recently published 'Good Practice Advice Notes 1, 2, 3' supersede the PPS 5 Practice Guide which has now been withdrawn by Government. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4: 'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The NPPF sets out, in paragraph 17, the 12 core planning principles that local planning

authorities should consider in making planning decisions. One of these core principles relates directly to conserving heritage assets, as follows

"Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;"

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CS16 (1a) of the Core Strategy states Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site.

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.
2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Officer Response:

Through a series of negotiations and officer input, the resultant previous scheme (APP/17/00694) was considered to be a successful, high-quality scheme building which would have enhanced this section of the conservation area, thus meeting the test set out in Section 72 of the T&CP Act 1990.

The proposed scheme is similar however, certain changes have been incorporated which unfortunately results in a retrograde design. The massing at either end of the terrace has increased (this may have an adverse impact on the amenity of No. 13 East Street) and the introduction of an off centre, projecting gable section appears ad hoc and disjointed.

It is considered that the revised proposal would have a harmful impact on the conservation area by reason of a contrived design. As submitted, I am not able to support the application due to the reasons given above. My preference would be a return to the previous approval, or a scheme which removes the projecting gable section completely and provides a uniform terrace, preferably with the massing

reduced at either end as before. I am happy to comment further if amended plans are submitted which reflect the concerns raised above.

Conclusion

Objection

Councillor D Guest - St Faith's

No comments received

Councillor J Branson - St Faith's

No comments received

Councillor T Pike - St Faith's

No comments received

County Archaeologist

Further Comments

Thank you for your consultation, regrading the second version of the Written Scheme of Investigation for 11 East Street, Havant, PO9 1AB. Further to my previous comments, I can now endorse the submitted Written Scheme of Investigation. The submitted WSI can be directly referenced in the condition securing a programme of archaeological evaluation. The two other conditions detailed in my original advice (securing archaeological mitigation and reporting/publication) should remain unchanged.

Original Comments:

The site lies within the historic core of Havant and within an area of high archaeological importance. This area of Havant has been settled since at least the Roman period, with projected course of a Roman road either passing through, or close to, the site. It is likely that important archaeological remains relating to the development of Havant will be encountered during development. These origins are likely to include Roman settlement (likely focused on the nearby cross road of two Roman roads), and Saxon and medieval development of the town.

There is no indication that archaeology would present an overriding concern, however I would advise that the assessment, recording and reporting of archaeological deposits be secured by suitably worded conditions attached to any planning consent that may be granted. For example:

1) That no development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

2) That no development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is

preserved by record for future generations.

3) Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

I note that while the Heritage Statement submitted with the application does not address below ground archaeology, a Written Scheme of Investigation (WSI) for archaeological evaluation has also been submitted. There are two issues within the WSI that I would like to address. First, the figures contain multiple red line boundaries, inconsistent with the site boundaries shown in the submitted plans. Secondly, the methodology indicates that excavation will stop at the top deposit. This does not reflect the nature of the deep urban stratigraphy that is likely to be encountered and will not allow for a full evaluation of the deposits likely to be affected by the proposed development. For these reasons I cannot endorse the submitted WSI. I am aware that subsequent to making similar comment to the applicant's archaeologist an updated WSI was prepared which addressed these concerns and which if submitted to planning authority I would be happy to endorse. I recommend that the applicant seek some clarification on this point from their archaeological advisors.

County Ecologist

The application is supported by a bat survey report (Enims, Sep 2020). I am satisfied that this represents the current conditions at the application site. No evidence of bats was found during the visual inspection. The building was assessed as presenting moderate roost suitability and therefore an emergence and re-entry survey was carried out to give confidence in the negative visual finding. This is appropriate and in line with the Bat Conservation Trust's good practice survey guidelines. No bats were seen to emerge from or return to the house during these surveys.

There are known bat roosts close to the works, thus precautionary measures that includes lighting restrictions has been advised. In addition, ecological enhancements including bat and bird boxes and native species planting have been recommended which will result in a net gain at the site.

Providing that these measures are implemented I would raise no concerns with the onsite mitigation and enhancements.

Natural England have requested an appropriate assessment due to the sites proximity to Chichester and Langstone Harbours SPA, SAC, RAMSAR and SSSI (1.1km). Therefore, mitigation comprising financial payment for recreational pressure is likely to be required.

If you were minded to grant permission for the proposed dwellings, I would recommend that the following condition is added to the planning permission as follows:

. Development shall proceed in accordance with the measures set out in Section 4 of the Enims Preliminary Roost Assessment & Bat Roost Survey Report (September 2020). Reason: In accordance with Policy DMB' Conservation Protection and Enhancement of Existing Natural Features' of the Havant Borough Local Plan.

Crime Prevention -Minor Apps

No comments received

Southern Water

The attached plan shows that the proposed development will lie over an existing public sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Please note:

- The foul sewers requires a clearance of 3 metres on either side of the public sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public sewers 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 public sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/default/DefaultDocuments/stand-off-distances.pdf](https://www.southernwater.co.uk/media/default/DefaultDocuments/stand-off-distances.pdf)

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

Further, 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: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link:
[southernwater.co.uk/developing-building/connection-charging-arrangements](https://www.southernwater.co.uk/developing-building/connection-charging-arrangements)

Southern Water has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the "practical point of connection", as defined in the New Connections Services implemented from 1 st April 2018, there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.

www.southernwater.co.uk/developing-building/connection-charging-arrangements

We request that should this application receive planning approval, the following condition is attached to the consent: Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.

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 3 of the Building Regulations:

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

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

[ciria.org/Membership/The SuDS Manual C753 Chapters.aspx](http://ciria.org/Membership/The%20SuDS%20Manual%20C753%20Chapters.aspx)

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

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

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

Officer Comment: Conditions are recommended in relation to sewer protection, surface water drainage and management/maintenance are recommended.

Economic Development

No comments received

Hampshire Highways

Further Comments

Further to the additional information provided by the applicant, I am content that the site can be serviced by refuse/emergency vehicles from either The Pallant or East Street, inline with the agreed servicing arrangements for the neighbouring planning applications. The Highway Authority is therefore able to recommend no objection to the proposed development.

Original Comments

To accommodate the 6 new dwellings, 4 car parking spaces are proposed. Whilst the sustainable location of the site is acknowledged, it is unclear how the parking spaces will be assigned to residents who may purchase a property on the assumption they will be receiving a parking space. No commentary is provided on this point within the design and access statement and is a matter which needs to be clarified by the applicant. The views of Havant Borough Council as the local parking authority should also be sought on this point.

It would appear that a refuse vehicle will enter the site to access the bin store. A clear tracking drawing should be provided to show the vehicle entering the development, turning within the confines of the site and egressing in a forward gear. The location of two of the parking spaces appears to restrict access to the bin storage which will need to be considered.

Access for emergency vehicles looks to be provided via East Street, rather than the site access. The applicant should clarify why access is not being provided via the main vehicular access.

Landscape Team

No comments received

Natural England

Further Comments

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment 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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy - no objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured (£4,250.30), Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Nutrient Neutrality - no objection subject to mitigation

Natural England is aware that your authority has adopted a position statement, to ensure that development achieves nutrient neutrality through the agreed site specific nutrient budget. Specifically, mitigation measures for this development involve the use of a specific on-site avoidance measure as well as the use of Warblington Farm as a specific off-site mitigation measure.

The nutrient budget calculated for this development, with a net increase of 6 dwellings is 4.70 kg/TN/yr. As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation for this scheme would be £5,827.50.

Provided that the applicant is complying with the requirements of the Interim Strategy for 4.70 kg/TN/yr and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Original Comments:

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') have been

considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Portsmouth Water Company

Site Setting

The site lies on Made Ground overlying Superficial Deposits, which in turn overlie Bedrock. The Superficial Deposits are Head (Clay, Silt, Sand and Gravel) deposits and the Bedrock consists of Lambeth Group. The geology underlying the site is classified as a Secondary A Aquifer overlying a Principal Aquifer. The site is located on the northern border of a Source Protection Zone 1 (SPZ1) and is located in Source Protection Zone 1c (SPZ1c) for an essential public water supply source. The SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality and the local public water supply source.

Portsmouth Water's Position

Portsmouth Water do not object to the proposed development in principle, however due to the sensitivity of the groundwater environment we would wish to be further consulted on the foundation designs. In addition to a Construction Environmental Management Plan (CEMP) and pollution prevention measures for the development prior to development commencing.

Drainage

The proposed surface water and foul water drainage strategy is disposal to existing main sewers; this is acceptable to Portsmouth Water in relation to groundwater protection as deep soakaway and infiltration drainage are not proposed. Portsmouth Water require the use of the highest specification pipework and designs for schemes involving new sewerage systems in SPZ1 to minimise leakage.

Piling & Foundations

The proposed site is situated in a sensitive groundwater catchment and there are potential significant risks associated with groundworks in this area. Portsmouth Water would have no objection to piling at this location if the piles terminate within the Clay cover, if the piles penetrate the full depth of the Clay cover we would expect a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) to be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

Reason- Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical

contaminants, drilling through different aquifers and creation of preferential pathways.

Construction Environmental Management Plan (CEMP)

Portsmouth Water wish to be consulted on the Construction Environmental Management Plan (CEMP) for comment. The plan should detail all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.

Furthermore, the CEMP should specifically outline the proposed means of surface water management during development.

Reason- Fugitive emissions from the site during construction could pose a significant threat to groundwater and therefore the local water supply sources.

Public Spaces

No comments received

Traffic Management, East Hampshire District Council

The Traffic Team would be concerned that with the current parking restrictions in the vicinity of this proposal that there should be 1 parking space made available per dwelling.

Officer Comment: See part 7 of this report

Waste Services Manager

No comments received

Nutrients Team HBC

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00935.

Hampshire Biodiversity Information Centre

Within 100m SINC St Faiths Churchyard

Officer Comment: It is not anticipated that the proposal will impact the SINC.

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: 30/10/2020

Number of representations received: 12

Comment	Officer Comment
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Havant Civic Society (in relation to applications APP/20/00936, APP/20/00933, APP/20/00935 and APP/20/00913: We are pleased to see that, finally, there is a coordinated approach to developing these sites, using the same architect and with seemingly interlinked owners. Whilst we might have some minor criticisms, our overwhelming desire is to see this part of the town centre developed and the streetscape of East Street once again an attractive entrance to the town. After a number of false starts with previous applications, we sincerely hope that these developers will proceed to build, as and when the planning applications are granted. That said a simpler approach to the East facades of nos 5-7 and 9, without superfluous architectural embellishment and a stucco finish in pastel colours would help these new buildings blend in more with nos. 3, The Havant Club, 11, the former Streets store and 13, the 2 storey building in blue. On the opposite side of the road, the large building on the corner of South Street, occupied by Cubitt & West and the next building along also have rendered/stucco finishes. The issue of parking is a feature of several comments on these proposed developments. This could be tackled by way of concessionary rates for town centre residents in the Meridian and Bulbeck Road car parks.	Noted These comments do not relate to this application Parking is considered in part 7
Havant Friends of the Earth and Havant Climate Change Alliance: We welcome the development of this brownfield site with the following reservations based on Changes to the Pre-Submission Local Plan: H1. Living space accords with minimum housing standards. However the open plan living room/kitchen space looks very small considering that these will be 3 bedroom houses, which might therefore be expected to accommodate a family of up to 4 or 5 people. Covid has highlighted the need for adequate domestic space. 4 houses on this site would	These are 3 bed units which are likely to accommodate up to 4 people. The 90sqm meets the Nationally Described space standards. The proposals are considered acceptable in relation to internal space. The previously approved scheme was also for 6

better meet needs. IN3. Each house needs a secure cycle store for up to 4 bicycles. E15. Protected species. Developers must follow the advice from the Bat Survey, which confirmed roosts in the adjacent Chapel and the Streets building. They must avoid adverse impacts on those sites. Appropriate lighting should be installed to reduce disturbance to bats at night. The new houses should include bat boxes as well as some bird nesting boxes. E14 and E18. The houses appear to share an amenity space with the development planned for 9 East Street (APP/20/00933). There is not a lot of room for a gain in bio-diversity, but the amenity space should be planted with shrubs and herbaceous planting that might encourage wildlife, as well as provide a pleasant area for residents. E12. Low Carbon Design. It sounds good that there will be higher than required thermal insulation and solar panels on the roof. One would like more details of this and re-assurance that it is not just greenwash. How many solar panels will there be and will these feed into the grid or into batteries to help power the building? Will there be a gas supply or will the building be all electric?	units. Three bed units require 2 long stay spaces , these are secured in rear sheds. Bat and bird nesting will be secured. The County Ecologist has raised no objections in relation to lighting in this town centre location. This relates to a different application. Solar panels are now shown indicatively on the drawings, a condition is recommended to secure any details and to ensure that the provision is acceptable in terms of impacts on the Conservation Area. It should however be noted that emerging local plan policies currently have little weight.
. Effects on privacy The current proposal for 6 new buildings to be constructed in the vacant land to the rear of 11 and 13 East Street will greatly impact the privacy of our family home. It is proposed that the south facing wall of unit 1 of the 6 new houses will directly abut 13 East Street's garden. The 3-storey south facing elevation, with 2 windows on the first floor and 1 on the second, will overshadow and directly overlook 13 East Street's garden, first floor back master bedroom, downstairs living area and downstairs bedroom. The potential detrimental impact on our privacy is great.	See section 7

We request that the plan is revisited and the line of 6 units shifted further north into the space currently marked as an amenity area and parking to create a gap between our property and the proposed dwellings. Instead of a solid structure abutting our garden would be the aforementioned amenity area currently proposed at the northern end of the 6 dwellings. This would also enable the conservation of the protected bay tree to the north of 13 East Street's garden within this amenity area - refer to bullet below.

It is also essential that fenestration is re-examined, moved where feasible and made opaque where remain. This requirement for opaque/frosted windows is stipulated in the current planning approval for the 6 dwellings to the rear of no.11 (APP/17/00694) which states: South and East facing windows of Unit 1 of the proposed 6 dwellings to the rear of no.11 must have an obscuration level for these windows of no less than level 4 of the Pilkington Texture Glass scale (or equivalent) in regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

. Conservation of Bay tree to the north of 13 East Street garden

This tree must not be cut back or damaged (despite an attempt to during the demolition works in 2019) during any planned works associated with 11 East Street or the derelict land to the west and north of 13 East Street. Destruction of this tree would have a detrimental effect on the character and setting of the Conservation Area. It comprises one of very few trees in the immediate vicinity, providing essential greenery within the area and roosting for several bird species. It is also integral to the privacy of 13 East street's garden and back rooms, and it is imperative this is not lost. It has protection as it is within a conservation area.

. Effects on light

The cumulative impact of the proposed 4 storey development at no.9 East Street, to the west of our property, and the proposed 6 dwellings directly abutting the north of our

The layout proposed allows for parking and turning provision. Detailed impacts are considered in part 7.

A condition is recommended in relation to south facing windows to unit 1

The bay tree is shown to be retained. An informative is recommended in relation to any works to trees in the Conservation Area.

The proposal is located to the north of the adjacent property, the design has been amended to lower the height of unit 1. The relationship is

property, will be significant in terms of light reduction to our home and garden. This needs consideration.

. Wall abutting 13 East Street garden

13 East Street's Property Information Form and TP1 Transfer Deed indicate that we are responsible for the northern boundary of the property, and 11 East Street is responsible for the western boundary wall of the property.

It was agreed in the contract when purchasing our property that the entire western boundary wall of 13 East Street, i.e. the external wall separating 11 and 13 East Street, would be retained at the same height of the link building wall nearest to the 2 properties and comprise the original brick.

When the link buildings of 'Streets' were demolished in 2019, the wall was retained as agreed but there is now damage and it has been left incomplete. Work is required along the top of the wall in to make a 'finished' wall. Also, the woodwork associated with the corrugated roof of the now demolished link buildings (and its drainage) abutting 13 East Street's garden needs to be removed and infilled with bricks. Reference to this can be found in section 6 (Community Involvement) in the existing agreed planning permission APP/17/00694. Remedial works are also required to the northern elevation of 13 East Street following on from the same demolition works.

Previously agreed planning permission documents state that this is the responsibility of 11 East Street but the red line drawings now indicate that 9 East Street now shares our boundary. Clarification as to who is responsible for the remedial works is necessary going forward.

. Noise disturbance due to proposed communal amenity area

More detail is needed around the proposed communal amenity area, abutting the 13 East Street garden to the west. This includes, what properties will have access to this, the times of day access will be allowed and what it will comprise i.e. will it be a planted garden area?

considered acceptable in relation to light.

A condition is recommended in relation to boundary treatments.

There is no communal garden area in this permission adjacent to the southern boundary.

The back master bedroom and living area of 13 East Street is directly adjacent to this area and there is a high potential for noise disturbance as well as an impact on privacy. . Noise disturbance due to works More detail and agreement as to working hours and the months during which works will occur is required. . Responsibilities of developer and contractors Any debris associated with the works which falls within 13 East Street garden should be minimised and cleared. It is the responsibility of the developer to pay for any damage caused to 13 East Street property and grounds, including fences, walls, garden pots/plants, during works. . Design and appearance of new buildings The properties should be in keeping with the Conservation Area and enhance the appearance of the vicinity.	A construction management plan is recommend to be conditioned. This would be a private matter between the parties. Noted
The amount of parking is inadequate , it may reach the statutory minimum however it is inadequate and it can be seen in local private developments that there is significantly more parking as this represents what is required. With inadequate parking spaces you are building in conflict between neighbours, occupants of the development and people in surrounding streets it is not correct to build conflict into a system you should be designing it out. If the development continues with the current level of parking it should only be allowed if there is an overhaul of local parking with full and fair consultation with residents.	See part 7
I would like to object to this planning application unless more parking spaces can you provided for these properties. Bellair Road and surrounding area is already swamped with displacement parking so much so, we have our own objections and consultation currently being looked at with Tracey Webb and Jackie Branson and Tim	See part 7

Pike	
We object at this stage with regard to access and egress for properties to the rear of the Parish Office at 2 North Street and our adjoining premises currently leased by Sue Ryder 4 North Street. Other affected property is the flat above these premises which is occupied under tenancy. The objection is due to the perceived likelihood of restricted access and egress from those buildings. During demolition, I personally had to challenge the previous contractor and insist on a safe pedestrian route and that this should be included in their CDM plan. Since the application has been made to build on this site I have been in conversation with the proposed developer and explained that the above is still an absolute requirement to ensure safeguarding in the event of an emergency. He was in agreement on site. In short, there needs to continue to be a safe and viable route for access and egress from those buildings for personnel and emergency vehicles at all times. This means during the build and on completion of the work.	A condition is recommended and details should form part of the Construction Management Plan.
I am objecting to this planning application on the basis that this proposed development along with the 3 other proposed developments in East Street and The Pallant provide the anticipated residents with extremely limited parking within a town centre that already has very limited residents parking. Do the developers seriously think that these properties will be saleable without any parking provision? Yes the properties will be close to good public transport links however to do a sizeable family shop at the closest Tesco or Aldi store would require the use of a car. I believe that these plans need to provide sufficient parking provision for the anticipated residents. I live in an area which is close to these development which has free on street parking ,this area is already over run with non residents parking making it extremely difficult for visitors or tradespeople who visit us to park. The addition of more non	See part 7

residents requiring parking within the vicinity will be extremely detrimental to the residents in this area.	
There is already insufficient parking in this area. There seems to be insufficient provision for parking or garages in the submitted designs. It is naive to imagine that the purchasers of 6 3-bedroomed properties will not possess as a minimum 1 car per property and probably more. With the advent of all-electric vehicles within a few years they will need parking spaces or garages with charging points. This application should be refused unless additional provision for parking spaces or garages and electric vehicle charging points are included.	See part 7
The Sue Ryder shop at 4 North Street is already being adversely affected by the development. There is a right of way to and from the rear of our property which is currently blocked. We would need reassurances that the right of way will be fully reinstated when demolition and development works are complete. Whilst works are ongoing we require a safe pedestrian route to access and egress the rear of our property to ensure the shop can function to its full potential and with no extra inconvenience to our staff and volunteers. Finally, the rear access must remain clear and safe to allow evacuation in the event of an emergency.	A condition is recommended and details should form part of the Construction Management Plan.
Another obvious attempt to put profit over the quality of life of local residents, shoppers and prospective purchasers. The living spaces are too small, the access is inadequate and the parking provision is totally inadequate. The last will result in a lot of frustration for the residents as they cruise local streets searching for a parking space and increase local pollution. The increased traffic because of the access will cause problems for the traffic flow in Havant centre, already very busy at times. This is not the first plan with this fault submitted. The last was rejected. Why not have fewer houses which are more comfortable and have adequate parking? The	See part 7 No objections have been raised in relation to increased traffic by the Highways Authority.

idea that the intended residents of these houses will only have 4 cars in total is risible.	
Not enough parking spaces for amount of dwellers. It is already difficult parking and made worse by the Council putting barricades around town.	See part 7
Not enough car parking space - 1 car per dwelling should be the minimum	See part 7

7 Planning Considerations

Appropriate Assessment

- 7.1 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 (hereafter referred to as the Habitats Regulations).

The Council's assessment as competent Authority under the Habitats 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 European Sites due to recreational pressure, water quality, loss/degradation of supporting habitats and construction impacts. The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of avoidance and mitigation measures. The first element of this is a financial contribution based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Council's agreed Position Statement on Nutrient Neutral Development. Natural England were consulted on the findings of the HRA.

Recreational Pressure

- 7.2 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), Policy E16 of the Draft Havant Borough Local Plan 2036 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 confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.
- 7.3 The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Study 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. NE have highlighted that there are high levels of nitrogen input into the water environment at these sites, with evidence that these nutrients are causing eutrophication and that there is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether upgrades to

existing waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The applicant has undertaken a nutrient budgeting assessment for this application.

- 7.4 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 indicated a willingness to enter into a legal agreement to secure the mitigation packages.

Appropriate Assessment conclusion

- 7.5 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). Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England advised that they concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.
- 7.6 Contributions have now been secured in relation to SRMS and Nutrients. **The associated unilateral undertakings are being finalised.**
- 7.7 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 Conservation Area
 - (iii) Impact upon residential amenity
 - (iv) Highway matters and parking
 - (v) Drainage
 - (vi) Ecological issues
 - (vii) Other matters
- (i) Principle of development
- 7.8 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 a brownfield site located within Havant Town Centre, the NPPF encourages development within such areas.
- 7.9 The site is within Havant Borough Local Plan (Allocations) 2014 Policy HB3 (Mixed Use Allocations) allocation H22. The site has a previous permission for residential development for six town houses (APP/17/00694), the permission recently expired (September 2020). The site is located within the St Faiths Conservation Area. Havant Borough Local Plan (Core Strategy) 2011, policy DM20 (Historic Assets) of the Allocations Plan advises that planning permission will be granted for development that

conserves and enhances the historic assets of the Borough and sets out the development management requirements for planning applications that affect or have the potential to affect heritage assets. One of the requirements is for applications to include a heritage statement which in the case of this application has been included and assessed by the Conservation Officer.

(ii) Impact upon the character and appearance of the Conservation Area

- 7.10 The proposal would be located between East Street and The Pallant and therefore not directly within the view of either streetscene, however, the site is still located within the conservation area and it is important that the proposal integrates well with the character and appearance of the area. The site would be viewed from the car park to the rear of The Bear Hotel and the route between East Street and The Pallant to the east of the site. Policy CS11 advises that development should protect and where possible enhance heritage assets. No. 11 East Street is not a listed building, however, there are a number of listed buildings which surround the site including No. 13 East Street which lies to the south, No. 10 The Pallant which lies to the north of the development site and The Bear Hotel to the east.
- 7.11 The site formerly comprised two derelict warehouses which have now been demolished. The site is now a vacant site with the spoils from the demolition process across the site. The site in its current condition is considered to have an adverse impact on the conservation area. Therefore the proposal for redevelopment to improve this current state is welcomed. The proposed scheme includes a terrace of residential properties which fits in with the character of other similar developments which have occurred along the Pallant and is similar to the previously approved scheme.
- 7.12 The design of the properties is traditional, responding to the context of the site. As dwellings, as opposed to flats, are being proposed, some private amenity space is included, which are rear gardens of approximately 4m depth. For new dwellings, the Council's Design Guide advises that rear gardens should be 10m in depth and therefore these gardens fall significantly short of 10m. However, given that the site is in a town centre location where the density is greater and the majority of nearby residential development has no amenity space, this is an improvement. There is also a small amenity area to the north of the dwellings with an opportunity for landscaping. The access area would be landscaped with a mixture of hard and soft landscaping and the details of this would be subject to a planning condition.
- 7.13 The Conservation Officer has assessed the development in detail and this has resulted in amendments to the scheme with a deduction in the height of units 1 and 6 and the removal of a projecting gable. The Conservation Officer concludes: *Overall it is now considered that as it has been amended accordingly, the scheme can now be supported on heritage grounds. On balance, it meets 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 recommended that conditions are imposed in relation to materials, details of any meter boxes /other additions and to secure window details.

Section 66 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 listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses. The impact on the setting of the adjacent Listed Buildings is considered acceptable and overall the proposal is considered to not result in an adverse impact on the visual amenity of the streetscene, the character of the conservation area or the nearby setting of listed buildings.

Finally landscaping and hard surfacing conditions are recommended to ensure a good quality development in the Conservation area.

- 7.14 In relation to archaeology, conditions are recommended by the County Archaeologist to secure appropriate assessment.

(iii) Impact upon residential amenity

Impacts to existing residential properties

- 7.15 The main impacts from the proposed development on existing properties are considered to be to No's 10 (now divided into flats) and 5 The Pallant to the north of the site, and to 13 East Street.
- 7.16 No.10 The Pallant has been converted to flats. To the south elevation facing the proposed dwellings at ground floor level there is a bedroom/study and living room window and enclosed walled garden. At first floor level there are study/living/dining windows facing south and a balcony area. The existing tall brick boundary wall provides good screening to the private amenity space at ground floor level. This also helps to reduce any impact on the ground floor windows. The new building would be set approximately 11.3m off the main rear elevation of the flats.
- 7.17 At first floor level the nearest flat has two living/dining/study windows facing south towards the site. This flat also has a rear balcony area. The northern flank elevation to unit 6 contains three windows. At first floor level there are two small bedroom windows (these bedrooms have their main windows to the front and rear elevations). At second floor level is a further bedroom window to a room also served by a dormer to the rear elevation. The three side windows are shown as 'fixed shut and frosted glass to 1.7m above FFL's' to their lower sections. A condition is recommended to ensure that the windows are obscure glazed and fixed shut below 1.7m from finished floor level. The mass and bulk of the building when viewed from the flats in No.10 The Pallant has been reduced by the stepping down of the roof form of unit 6 and the incorporation of a small element of flat roof. Given the high density urban environment, the reduction in mass and bulk to unit 6 and the imposition of appropriate obscure glazing the proposal is considered to have an acceptable impact on the flats within 10 The Pallant. It is noted that an existing pedestrian access would be available between 10 and 10A The Pallant. It is not anticipated that the use of this access would result in unacceptable impacts providing that this is fitted with an appropriate gate to The Pallant (as indicated).
- 7.18 No.5 The Pallant is located to the west of the site vehicular access. The access provides access to 10 parking spaces (four to this site) and is likely to lead to a relatively limited amount additional vehicle movement. It is not considered that any additional movement would warrant a refusal of planning permission.
- 7.19 With regard to the impact on 13 East Street, this property is located to the south of the site. It is noted that No.13 includes a small courtyard garden and has rear ground floor living room and bedroom windows and at first floor master bedroom windows. There are also a small window at second floor level. Historically this property was enclosed

by buildings to the west with the long additions to the rear of Streets. The current proposal would result in unit 1 being positioned to the north of No.13 with a gap of approximately 8m provided. It is noted that the proposed unit 1 would overlap the rear courtyard garden of No.13 by only approximately 1.4m out of a 5 metre garden width. No.13 is also set at an angle to the proposed development.

- 7.20 Given the town centre location, the positioning of the proposed building to the north of No.13 and the dropped height of unit 1 this relationship is on balanced considered acceptable in terms of the height, mass and bulk of the proposed dwelling. Light impacts are also reduced given the siting of the proposed dwelling to the north of No.13.
- 7.21 With regard to windows and potential overlooking, there are three proposed windows to the south elevation. These would serve dual aspect bedrooms and are recommended to be conditioned to be obscure glazed and fixed shut below 1.7m from finished floor level to prevent overlooking.
- 7.22 A condition is recommended in relation to boundary treatments in order to ensure that suitable provision is made and any protected walls retained.
- 7.23 Overall, with regard to the relationship with existing neighbouring residential properties an acceptable amenity level can be maintained.

Future relationships with proposed developments

- 7.24 There are several recent consents of relevance to future residential relationships and these are considered below:

APP/20/00913 10A The Pallant:

This redevelopment would be offset from the flank wall of unit 6 and given the proposed obscure glazing in No 6 would result in an acceptable relationship between dwellings.

APP/20/00933 9 East Street:

This development is for 10 supported living units at four storey height and follows an earlier consent. The development would have a tight relationship particularly to the southern half of the proposed terrace. The frontage of the terrace would be accessed via a pedestrian walkway with small landscaping areas. Whilst the relationship between the two developments is close, and there would be a significant impact on light and overlooking, given the high density urban location, this relationship is similar to a number of other developments in the locality. Government and Local policy seeks to maximise the use of urban land particularly in town centres which are a highly sustainable location and on previously developed sites. The relationship is also similar to that previously approved. It is not considered that a refusal of planning permission would be appropriate in this case.

Finally No.11 has a previous consent for conversion into apartments. This building is separated from the proposed terrace and unit 1 which is the closest. Given the proposed obscure glazing it is not considered that unacceptable overlooking would occur. Impacts on light would be minimised by the terraces location to the north of the converted. unit.

- 7.25 On balance and overall, it is considered that the proposed terrace would have an acceptable relationship to existing and proposed surrounding development and would be provided with limited but acceptable amenity space in this high density urban environment.

(iv) Highway matters and parking

- 7.26 In relation to access to the site via refuse vehicles, the agent has clarified that refuse vehicles would not be required to enter the site and would collect from The Pallant. Emergency vehicles could enter from The Pallant or access the site from the road. Sprinkler systems could be provided if required. These matters will be assessed further at the Building Control stage. Hampshire Highways now raise no objections following clarifications received from the agent.
- 7.27 Objections have been received that the development proposes only 4 car parking spaces for the scheme. The Havant Borough Council Parking SPD identifies Havant Town Centre as a highly accessible location where reduced or even zero standards of vehicle parking provision can be considered in order to maximise the use of land and discourage use of the private motor vehicles. Furthermore, paragraph 3.05 of the Standards recognises that on brownfield sites outside of town centres, it may be possible to reduce the number of car parking spaces where the development is within a reasonable distance of good public transport links. It is therefore considered that given the highly sustainable location of the development that this proposal, which provides 4 parking spaces for 6 units, is consistent with the aims of the SPD. The proposal shows that the spaces would be allocated to four of the units
- 7.28 A number of public car parks are within close proximity to the site which could be used for parking for visitors to the development,. Any increase in parking demand is limited and outside of the peak shopping times and it is therefore considered that the development would not have an impact on the vitality of the town centre, with regard to pressure on existing public car parks.
- 7.29 Cycle parking/storage provision would be provided through secure cycle stores within the curtilage of the residential buildings. There would also be visitor cycle parking to the north of the terrace. The proposed provision is therefore considered acceptable to meet all resident and visitor demand and encourages cycling as a primary mode of travel.
- 7.30 Taking all these factors together, it is considered that given the sustainable location of the site, that in this situation the provision of limited car parking is acceptable and the development would not have a significant adverse impact on the highway network.

(v) Drainage

- 7.31 With regard to drainage a foul and surface water drainage scheme has been developed with the development for 9 East Street. The site is located in Flood Zone 1 (low flood Risk). Conditions are proposed to ensure that details of the measures which will be undertaken to protect the public drainage infrastructure and to ensure suitable drainage can be provided are recommended.

(vi) Ecological issues

- 7.31 The County Ecologist has considered the proposals and recommends a condition to ensure that ecological enhancement is provided in accordance with the submitted

ecological report. A condition is recommended to secure bat and bird boxes within the development.

- 7.32 The development would increase recreational pressure on the SPA and therefore a financial contribution and S106 Unilateral Undertaking is required under the SRMS requirements. The contribution is for £4250.30. Payment has now been received and the associated unilateral undertaking completed
- 7.33 In addition the proposal would impact water quality and increase nutrients to the SPA. A mitigation package is therefore required with a financial contribution and S106 Unilateral Undertaking. The contribution is for £5,827.50 has been paid. Payment has now been received and the associated unilateral undertaking completed.

Other Matters

- 7.34 The development is CIL liable with a contribution of £64,221.43 required.

8 Conclusion

- 8.1 In conclusion, the principle of the residential development of the site has previously been established and the proposal would make best use of previously developed land in a sustainable location for residential development.
- 8.2 The impact on the Conservation Area has been considered in detail and subject to appropriate detailed conditions is considered acceptable.
- 8.3 An assessment of the impacts on both existing and proposed residential amenities has been carried out and on balance the resulting impacts on amenity are considered acceptable given the context of development in this high density urban environment.
- 8.4 Highway and parking issues have been considered and the development is considered to be in accordance with the Councils adopted parking standards in this sustainable location close to public transport options and town centre facilities.
- 8.5 Drainage and ecological matters have been addressed or can be addressed by the imposition of appropriate conditions. Impacts on the SPA and protected species have been appropriately addressed.
- 8.6 In conclusion planning permission can now be recommended for the proposed development.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00935 **subject to:**

- (A) 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:

Plans

Location Plan Drawing No. 20/04/L01 Rev A
Site Survey Drawing No. 20/04/S01
Block Plan Drawing No. 20/04/B01 Rev A
Site Plan Drawing No. 20/04/P01 Rev C
General Arrangement - Plans (Floor Plans and Sections) Drawing No. 20/04/P02 Rev B
Elevations Drawing No. 20/04/P03 Rev D
Site Plan - Daylight Impact on No.13 East Street Drawing No. 20/04/P10 Rev B
Relationships with No.13 East Street Drawing No. 20/04/P11 Rev A
Contractors Working Area Drawing No. 20/04/C01 Rev A
Setting Out Drawing No. 20/04/Comprehensive
Demolitions (already carried out) Drawing No. 20/04/Dem01 Rev A
Details of Landscaping & Hard Surfacing Drawing No. 19/01/LS03 Rev C
Drainage General Arrangement Drawing No. 414601.10P2
Drainage Details Drawing No. 414601.11P2
Existing Run Off Tank Design
Proposed Run Off Tank Design

Documents

Design Statement
Addendum to Design, Access & Heritage Statement Appendix A.04
Heritage Statement August 2020
Written Scheme of Investigation for Archaeological evaluation Version 2 - 15/11/2019 Southampton City Council Archaeology Unit
Hydraulic Calculations Rev A
Nitrogen Nutrient Assessment Ref 20097 22/8/2020
Nitrogen Assessment / Nitrogen Budget Calculation
Enims Bat Survey EC1039-05b September 2020
Materials Drawing No. 20/04/M01

Reason: - To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall not commence unless and until details of measures to divert and/or protect public sewers/water mains have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved measures.

Reason: To ensure that drainage infrastructure is appropriately protected having due regard to policies CS15 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of surface water run off disposal as well as acceptable discharge points, rates and volumes. 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 provision in full accordance with such plans and particulars as are thus approved by the Authority.
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.
- 5 That no development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.
Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework..
- 6 That no development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.
Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 No development (other than demolition) shall commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.
Reason: To safeguard the amenities of the locality and in the interests of ecology and having due regard to policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction including to properties fronting North Street which are understood to have a right of access over the land;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (h) Pollution mitigation measures to be adopted during the construction phase - including management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages;
- (i) Specific outline of the means of surface water management during development.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality and to avoid potential threats to groundwater and the local water supply sources in accordance with policies CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No development hereby permitted shall commence until a specification of the

materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interest of the character and appearance of the development and neighbours residential amenities having due regard to policies CS11 and CS16 together with the National Planning Policy Framework.

- 12 No development shall take place until a Land Contamination Desk Study has been carried out identifying the previous land uses and a qualitative risk assessment presenting the potential sources, pathways and receptors and their linkages.

Reason: In the interests of the nearby environmentally sensitive areas and having due regard for Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 Notwithstanding what is shown on the approved drawings, or submitted with the application, no above ground construction shall commence until full details, including samples and details of all external materials and finishes have been submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 14 No above ground construction shall start until manufacturers details of the proposed windows (including roof light windows) and external doors have been submitted and approved in writing by the local planning authority. The details to comprise:-

- a) a 1:20 plan, section and elevation shown in relation to the opening into which it is to be set,
- b) full size glazing bar section,
- c) the method of opening and external finishes.

All work shall be carried out in full accordance with such approval and be retained thereafter.

Reason: To ensure the detailing is appropriate to this key site within the St Faiths Conservation Area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 Details of the siting and design of any proposed external meter boxes / metal ducting / flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground construction development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the conservation area having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 No above ground construction shall commence until full details, of the proposed solar panels/Photo voltaic Cells to be provided have been submitted to and approved in writing by the Local Planning Authority. This shall include elevations and sections to show how they will be installed and manufacturers details. The Solar Panels/Photo voltaic Cells shall be installed as approved prior to the occupation of the dwellings hereby permitted.

Reason: To accord with the application details and in the interests of sustainable energy having due regard to policy CS14 of Havant Borough Local Plan (Core Strategy) 2011, policy E12 Havant Borough Local Plan Submission Version and the National Planning Policy Framework.

- 17 No development above ground level shall be commenced unless and until details of security gates to be provided for the pedestrian walkway as shown on drawing No.20/04/P01 have been submitted to and approved in writing by the Local Planning Authority. The approved gate shall be provided on site prior to occupation of the development and thereafter retained and maintained in accordance with the approved details.

Reason: In the interests of security and to prevent antisocial behaviour having due regard to policy CS8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 No dwellings shall be occupied until the following drainage details have been submitted to and approved in writing by the Local Planning Authority:

A) Details of consent from the Sewerage Authority for a connection to the public sewer for the development.

B) Details for the long-term maintenance arrangements for the surface water drainage system. The details shall include;

i) Maintenance schedules for each drainage feature type and ownership.

ii) Details of protection measures

The development shall be implemented in accordance with the approved details.

Reason: Without the provision of an appropriate surface water connection point the development cannot be appropriately mitigated and having due regard to policies and proposals CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

19 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, and Policy E14, EX1 and E12 of the Submission Version Havant Borough Local Plan.

20 At all times following occupation of the development hereby approved, 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. 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, and Policy E14, EX1 and E12 of the

- 21 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, including any works to the boundary with No.13 East Street (which may require a separate Listed Building Consent if the works are not authorised by an extant Consent) have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 22 The car parking, 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. Parking shall be allocated to units 1-4 on the basis of one space per unit unless otherwise agreed in writing by the Local Planning Authority.
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.
- 23 The development hereby permitted shall not be occupied unless and until cycle parking is provided for residents and visitors as shown on Drawing No.20/04/P01 Rev C. The cycle parking shall thereafter be retained and maintained as approved.
Reason: In the interest of sustainable transport options and having due regard to policy DM13 of Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Parking SPD 2016 and the National Planning Policy Framework.
- 24 Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.
Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 25 Development shall proceed in accordance with the measures set out in Section 4 of the Enims Preliminary Roost Assessment & Bat Roost Survey Report (September 2020).
Reason: In the interests of biodiversity and having due regard to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 26 The proposed site is situated in a sensitive groundwater catchment and there are potential significant risks associated with groundworks in this area. No piling shall take place unless and until full details of any proposed piling have been submitted to and approved in writing by the Local Planning Authority in consultation with Portsmouth Water.

The submitted details shall include:

- details of whether any piles would terminate within the Clay cover;
- If the piles penetrate the full depth of the Clay cover, a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works).

Any approved piling shall thereafter be carried out fully in accordance with the approved details.

Reason- Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways and having due regard to policies CS15 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 27 The south elevation windows to unit 1 and the north elevation windows to unit 6 shall:-

(i) consist of at least two lights divided horizontally with only the top light capable of being opened, such that they are fixed shut below 1.7m from finished floor level and shall be maintained in that condition at all times; and

(ii) at all times be and remain glazed entirely with obscure glass below 1.7m from finished floor level, 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.

- 28 Nothing in this permission shall authorise the removal of any rights of access crossing the site including routes to the rear of premises fronting North Street.

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

- 29 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure, windows or outbuildings shall be constructed within the curtilage of

the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of this high density development and to retain external amenity space having due regard to policies CS11 and CS16, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.