

Site Address: 31A North Street, Emsworth, PO10 7DA
 Proposal: Demolition of the existing factory offices and out-buildings and construction of 6 No. Dwellings (consisting of 1No. 3 Bedroom House, 2 No. 2 Bedroom Houses, 1No. 2 Bedroom flat and 2No. 1 Bedroom Flats) with associated out buildings and parking.
 Application No: APP/19/00854 Expiry Date: 25/09/2020
 Applicant: Mrs Mabbs
 Agent: Mr Lindsay Case Officer: Daphney Haywood
 Solent Design Ltd
 Ward: Emsworth

1 Site Description

The adjacent properties in Palmers Road and to the west are primarily residential in character, whilst those to the west, east and south are in mixed use.

93/52162/002 - Proposed extension to existing workshops, REF.28/04/1994

Demolition of the existing factory offices and out-buildings and construction of 6 No. Dwellings (consisting of 1No. 3 Bedroom House, 2 No. 2 Bedroom Houses, 1No. 2 Bedroom flat and 2No. 1 Bedroom Flats) with associated out buildings and parking.

The proposed dwellings would be of traditional pitched roof design and materials and would be served by 11 car parking spaces. The terraced houses would have 10m deep rear gardens. 11 parking spaces together with provision for cycle and bin storage is proposed.

The certificate of ownership has now been updated to include all relevant parties.

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

CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS20 (Transport and Access Strategy)
CS21 (Developer Requirements)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Submission Local Plan 2036

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_M1 (Cycle Storage Provision)
ENP_H1 (Design & Heritage)
ENP_D1 (General Design Policy)
ENP_L1 (General Housing Policy)
ENP_D2 (Height, Mass & Materials)
ENP_L2 (Housing Mix)
ENP_D3 (Layout, Form & Density)
ENP_D7 (Mitigate Light Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Forestry Commission, South East and London Area

APP1900768-Havant Local Authority PLANNING APPLICATIONS – initial standard response document re Ancient woodland.

Officer comment- no ancient woodland is impacted.

Building Control

1. Possible Public Sewer within 3m of Plot 3 (see map below) consult SWS
2. Compliance with Approved Document B Section 5 Fire Authority access (turning facility)
3. Solid waste storage bins not shown and should comply with Approved Document H
4. Plot 2 shows room in the roof therefore protected route down stairs needed. Plots 1 & 3 are only 2 Bed not 3 noted wrong on plan

5. Building Regulation consent will be needed for this work
Officer comment- Plans amended re point 3 and 4

Community Infrastructure

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

However, as the existing floorspace which ceased to be in use 21/2/2018 as declared in the CIL 'Additional Information' form is greater than that being put forward for permission it appears that there will be no CIL Liability. The figures supplied should be checked by the Case Officer and if appropriate instructions passed to the CI Team to issue a 'no CIL liability' letter, if permission is granted.

Additionally, instructions should be passed by the Case Officer to the CI Team to 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/unilateral-undertaking-solent-recreation-mitigation-strategy>

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Environmental Health Manager, Community Group

I have reviewed the Primary Risk Assessment as prepared by RSK Environment Ltd Ref: 305019 R01 that concludes there is a moderate risk of harm from contaminants and recommends an intrusive site investigation.

Soil Contamination:

It is agreed that the most likely sources of contamination are from the historical use of the site (being a Smithy in the late 19th – early 20th Century; a builders yard in the mid 20th Century; and an engineering works in the mid 20th Century to present day) and the presence of former gas work sites within relatively close proximity. It is further agreed that all the relevant potential contaminants associated with the above mentioned sources have been acknowledged.

The proposed plans are for 7 residential premises some of which are proposed to have garden areas with exposed soil. The closest receptors would be the occupants of the proposed dwellings, who would come into contact with any contaminants by direct contact (ingestion of soils, crops, or inhalation of gases) and permeation into water supply. Further afield, the occupants of neighbouring properties may be exposed in the event contamination is present in a mobile form. In addition, there is potential for corrosion of building materials and environmental harm based on the potential contaminants identified.

I agree broadly with the findings and recommendations RSK Environment Ltd have made for intrusive site investigations but would recommend the collection and analysis of a groundwater sample from the eastern half of the site to assess the potential migration of contaminants associated with the nearby gas works. As such we would recommend the following planning condition should the planning proposal be granted permission:

Before the development hereby permitted commences on the site (other than demolition, site clearance, or any other date or stage in development as may

be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- a) An intrusive soil survey of the site based on the survey recommended by RSK Environment Limited's, Primary Risk Assessment, Ref: 305019 R01; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.*
- b) The results of a suitable and sufficient risk assessment of the technical findings shall be provided to the local planning authority.*
- c) Where unacceptable risk of harm to any receptor is identified, an appropriate scheme for decontamination of the site shall be submitted to the local planning authority in writing for their approval.*
- d) The approved scheme of decontamination shall be fully implemented, completed and verified to the satisfaction of the local planning authority before any residential unit hereby permitted is first occupied.*

Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], the above conditions are recommended because contamination may be present at the site as a result of previous land uses and/or activities, both at the site & in the vicinity, that could pose a risk to future occupiers of the site, adjacent land and the local environment including watercourses.

Radon:

I have considered and agree with the assessment of the risk from radon made by RSK Environment Ltd and their conclusions. It is therefore not considered necessary to attach any conditions related to radon gas.

Contamination

no objections in principal to this development. I have however noted that no Construction and Environmental Management Plan (CEMP) or Construction Method Statement has been submitted and would therefore request the following condition is included in any permission you are minded to grant:

No development shall take place, including any works of demolition, until a site-specific Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The plan should include, but not be limited to:

A programme of and phasing of demolition (if any) and construction work;
Protection of pedestrian routes during construction.

Location of temporary site buildings, compounds, construction material, and plant storage areas.

The provision of long term facilities for contractor parking.

The arrangements for deliveries/collections associated with all demolition and construction works.

Measures to minimise the noise (including vibration) generated by the construction process to include hours of work (see footnote 1), proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination.

The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

Wheel washing facilities.

Measures to control the emission of dust and dirt during construction

Provision for storage, collection, and disposal of rubbish from the development during construction period (see footnote 2).

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

Footnotes:

1. All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours Saturdays 09:00 hours to 13:00 hours

And at no time on Sundays and recognised Public Holidays.

2. No bonfires to be allowed on site during the period of demolition, clearance and construction.

Reason: To protect the amenities of nearby residential premises during the demolition/ construction phase of the development

I would also like point out that although the applicants have, in their submitted Design and Access statement, evaluated the impact of the development in terms of noise, they should also consider the potential impact from noise and odour on future residents of the development, arising from the close proximity to existing commercial premises (eg the development's proximity to service yards/catering extract equipment of adjoining commercial premises).

Finally I would like to re-iterate the comments made at pre-application stage relating to the presence of asbestos namely:

It is the responsibility of the developer to ensure that upon completion, the development is safe and suitable for its intended future use. The build-date for this property suggests that Asbestos Containing Materials (ACM) are likely to have been used in the original construction. These materials may have been disturbed during any prior alterations and could be present at the property as buried demolition wastes within topsoil / made ground under hard-standing or within landscaped areas. It is recommended that a pre-demolition Asbestos survey be undertaken to identify any ACM within the property that might be disturbed during construction works, in order that these may be appropriately managed. Buried demolition waste may be identified during the installation of new below ground services, when accessing enclosed service ducts or voids or undertaking landscaping tasks. In the event that any deposits / inclusions comprising fibrous or any other obvious waste materials be encountered during works, construction should cease in that area of the site until an appropriate assessment of the nature and extent of possible ACM has been undertaken, and

appropriate actions taken to mitigate any identified risk. Your Building Control provider should be notified of any discoveries of buried suspected ACM to ensure that you remain compliant with the provisions of controlled Document C. Environmental Health should be notified of any ACM identified within soils, and provided with details of how the material has been dealt with.

Hampshire Highways

Thank you for reconsultation on the above planning application. Further to the Highway Authority's response dated 18th June, the applicant has submitted additional Highways information. The additional information provided has been assessed below.

PIA Data

The Highway Authority has internally reviewed the most recent accident data for the area and confirmed that there are no existing accident trends which could be exacerbated by the proposed development. This matter is therefore considered acceptable.

Site Access

Drawing number 105.0007.004 has been provided to demonstrate the existing visibility splays and the new visibility splays which will be available from the amended access. There will be a slight reduction in the extent of the western visibility splay from 15m to 10.6m; however, the eastern visibility splay will slightly increase from 14.8m to 18.1m.

Whilst it is noted that the visibility splays are not to standard, it is acknowledged that the proposed development will result in an overall reduction in daily trips, offering a betterment over the existing site. Acknowledging the reduction in trips and clear accident record in the vicinity of the site access, the proposal is considered acceptable. The applicant will need to apply for a S184 licence to amend the existing dropped kerb, further details of which are available on the following link:<https://www.hants.gov.uk/transport/developers/section-184>.

Recommendation

The applicant has suitably outcome the Highway Authority's concerns with the application. The Highway Authority therefore recommend no objection to the application, subject to the following condition:

To implement the amended access arrangement as detailed in drawing number 105.0007.004 prior to occupation of the development

Landscape Architect

We require a soft landscape buffer south of parking bays no. 1-6 to mitigate the tension of neighbours cars headlight glaring into kitchens. A line of evergreen planting will also offer an improved view from the kitchen windows.

We require the following for submission:

- A soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number, density and landscape management plan.
- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments,

which identify:

- hard surfacing material type / product reference and colour
- laying bond
- edging or kerb detail / type
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new.
- Further details on building material specification for the development requiring submission including material type, product reference and colour to understand how the proposed development will affect the existing landscape character.

Planning Policy

Further comments

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for the borough. The [Pre-submission Havant Borough Local Plan 2036](#) (HBLP 2036)

The following policies are of particular relevance:

- CS4 – Town, District and Local Centres
- AL3 – Town, District and Local Centres
- CS2 – Employment
- DM3 – Protection of Existing Employment and Tourism Sites
- CS6 – Regeneration of the Borough
- CS9 – Housing
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development

In the Pre-submission Plan the following policies are of particular relevance:

- C1 | Protection of existing employment sites
- C4 | Emsworth District Centre
- H1 | High quality new homes
- H3 | Housing density
- E1 | High quality design
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- E22 | Amenity and pollution

In addition to the above, the Council published changes to the Pre-Submission Plan which were due to be considered at Cabinet and Council on 25 March 2020. Those changes have subsequently been recommended to the Full Council by the Cabinet when it met on 1 July.

Whilst these changes to the Pre-Submission Plan may not have weight in development management, they are intended to address the main issues arising from the Regulation 19 consultation at the beginning of 2019 and indicate the direction of travel of the Local Plan. As such, it is still recommended that they are considered as it is perfectly possible that by the point of determination, they could have at least limited weight.

Importantly, the [Emsworth Neighbourhood Plan \(ENP\)](#) has also reached an advanced stage of preparation, and the examiner's report was received on 6 January 2020. A referendum was scheduled to take place alongside the local elections on 7 May 2020 but has been postponed due to Covid-19. The Government subsequently issued updated Planning Practice Guidance which indicates that a neighbourhood plan can be given significant weight in decision-making in advance of a referendum.

The following policies are of particular relevance from the Emsworth Neighbourhood Plan:

- W3 – Change of Use Applications

Principle of Development:

The site falls within the defined District Centre for Emsworth as defined by Policies CS4 and AL3 and emerging Policy C4. The former policies generally support appropriate town centre development proposals which retain and enhance local markets and support small and independent businesses.

The site itself is located outside of any primary or secondary shopping area but is located off the main thoroughfare on North Street. As such, it is considered there would not be a requirement to provide a ground floor active frontage in this location.

Loss of Employment:

The site is currently vacant but was last occupied by Weaver Mabbs Engineering. It is understood the lawful use of the building(s) falls within Class B2 of the Use Classes Order (as amended). As such, Policies CS2 and DM3 of the Core Strategy are applicable which generally require the site and/or building to have been subject to an active and realistic marketing exercise for a period of 12 months or more.

Subsequent to the policy comments on 24 September 2019, the applicant has submitted the "End of Campaign Marketing Report" (ECMR) prepared by Vail Williams which is dated February 2019. It is noted that the ECMP does not suggest that the property is no longer viable for a B Class Use (as suggested by the submitted Design and Access Statement) but it does highlight that there is substantial work needed to the building to ensure it is fit for purposes.

The EMCR does however, clearly document an active marketing process has been undertaken by a variety of methods set out under Policy DM3 including confirmation that the premises were appropriately and extensively marketed for the required length of time (in a company branded report from the marketing agent), dated photographs of the marketing boards, an enquiry log, how it was followed up and why it was unsuccessful and a copy of all advertisements in the local press and website promotions.

Whilst the EMCR does not specify the details of an exact marketing period, it is evident that the site was marketed from January 2018 until at least February 2019 in line with Policies CS2 and DM3. It is noted the planning application was validated at least six months after the marketing campaign had ended. It is also noted that paragraph 10.14 of the Core Strategy indicates that the period of marketing must have ended on a date within the six months prior to the submission of any planning application).

In the context of emerging local plan, the site would lie outside of any of the established employment areas as proposed to be defined by Policy C1. As such, the proposed changes version of the Pre-Submission Plan would generally expect the

premises to be subject to an active and realistic marketing exercise (if it cannot be shown the site is financially unviable for B Class purposes).

Policy W3 of the Emsworth Neighbourhood Plan is also of relevance which states that:

“Any application to change the use of land from industrial to other uses will only be granted in exceptional circumstances and where it can be demonstrated that continuing provision cannot be made for land use class B2 General Industrial, or B1 Business (offices and light industry) on a proportion of the site without harm to residential amenity.”

The Post-Examination Neighbourhood Plan does not define the “exceptional circumstances” in the supporting text. It is noted that the Plan does indicate that industrial sites should remain as such, and not be taken over by residential, or any other form of development.

The submitted EMCR shows that the site has been subject to an active marketing process over a period of 12 months in line with the requirements of Policy DM3. As such, it is considered a policy objection could not be sustained.

Design

Both the adopted and emerging local plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- E1 High Quality Design (HBLP 2036)

These considerations are reinforced through the Design Policies (D1 to D7 + design checklist) in the Emsworth Neighbourhood Plan.

Development requirements

Bearing in mind the timescale of any planning application submission, it is recommended that the development proposals are designed to meet the requirements in the Pre-Submission Havant Borough Local Plan 2036 and Emsworth Neighbourhood Plan.

Emerging policies which are of particular relevance to the proposed development are summarised below:

- **Density** - The site falls within the Emsworth District Centre Opportunity Area as defined by Policy H3, within which development is expected to provide for a density of at least 55 dph. Based on a site area of 0.1152ha, the development proposals would provide a density of about 60 dph.
- **Internal Space Standards** - Emerging Policy H1 includes a requirement for dwellings to meet the nationally described internal space standards. It is noted that the applicant intends to provide one, two and three bedroomed dwellings, but it has not been possible to verify this from the revised submitted floorplans.
- **Private Amenity Space** – Policy H1 also requires sufficient private and/or communal outdoor amenity space to be provided. Whilst it is noted the proposed site plan indicates that the houses would benefit from rear gardens, any kind of amenity space for the flats does appear to be limited, both in terms of size, function and usability due to the siting of the proposed bin store in the

southern part of the site. As such, it cannot be concluded that it would provide a good level of amenity or be of a sufficient and functional size of the likely number of occupants (criteria e. and f. in Policy H1).

- **Low Carbon Design** – Residential development is expected to achieve a 19% reduction in Dwelling Emission Rate in accordance with emerging Policy E12. The submitted details indicate that the applicant is not proposing to meet this standard.
- **EV Charging Infrastructure** – Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking in line with emerging IN3. The submitted details indicate that the applicant is not proposing to meet this requirement.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, emerging policy IN3 and the Council's Parking SPD.

The ten on-site car parking spaces proposed are in line with the requirements of the Parking SPD.

In addition to the above, the applicant will however, need to ensure appropriate provision can be made for 10 cycle parking spaces in line with Table 4D of the Parking SPD. This is not shown on any of the submitted plans and should be confirmed with the applicant.

Summary:

The submitted ECMR demonstrates that an active and realistic marketing exercise was undertaken over a period of at least 12 months by the means and methods.

Notwithstanding the general presumption against the loss of industrial sites in the Neighbourhood Plan, it is not considered a policy objection could be sustained in the context of Policies CS2 and DM3 of the Core Strategy, C2 (HBLP) and W3 (ENP).

Officer comment the Emerging LP is now at the submission stage, but the Consultee response remains relevant.

Natural England

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, 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 an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

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. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided 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.

Please consult Natural England on the discharge of the Grampian condition.

Officer comment. Planning Policy (nutrients) have confirmed there is sufficient capacity within the Council's mitigation scheme for planning application APP/19/00854. The applicant has completed a Nitrogen calculator and the required Unilateral Undertaking (UU) and payment, which overcomes the need for a grampain condition has been completed together with the SRMS payment and UU.

Southern Gas Network

No comments received

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

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 foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Waste Services Manager

No comments received

Traffic

Amended plans

The Traffic team have no adverse comment to make with regards to the revised plans for 6 dwellings and 11 car parking bays. (Plan reference SD-19-44-01 REV)

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: 35

Number of site notices: two

Statutory advertisement: Not applicable.

Number of representations received: 7

Comment	Officer Comment
<i>initial plans</i>	
Please note that the property at 31 North Street, and the offices above, have the right to access over part of the 'drive' from North Street.	This would not be altered and private is a legal matter
The access from North Street is shared with both properties on either side. My client in particular has a legal easement allowing him access to his rear service doors. This access needs protection for pedestrians using the rear doors, from vehicles entering and leaving the development	This would not be altered and private is a legal matter
concerned that drainage is properly provided	This would be dealt with under the building regulations

The working hours should not exceed those of the nearby commercial properties - of 9 to 5 hours,	The standard Hours of Working informative is proposed and whilst this from 08 to 18 hours, a more restrictive requirements could not be substantiated.
There is a need to provide for security, privacy and safety during construction.	This is not a planning matter and falls under the Health and Safety regulations
unsure that 11 parking spaces can be provided on site	the submitted plans show 11 on site spaces
How will the boundary wall be kept in place. Boundary to rear alley should be 2.5m high.	As this is on/adjacent the boundary this would be a party wall matter and the agent/applicant are aware of this requirement. Regarding the height of any replacement walling, there is no planning justification for walling greater than 2m in height.
During the initial demolition and construction phase, noise dust and disruption must be kept to a minimum with construction traffic using Palmers Road only.	An informative re dust is proposed. Construction work is by nature noisy but an informative re hours of working is proposed and there are powers under the Environmental Health legislation in relation to excessive noise.
Development so close to the rear boundary is going to cause damage to foundations. The building should be moved further away.	This is a party wall matter and there are no planning grounds to support relocating the development.
<i>Amended plans</i>	
No notification received of new plans	neighbour notification sent 20 July 2020.
We would like to have more details on how this is going to impact the rear of our property and the existing wall.	this would be covered by the Party Wall requirements.

7 **Planning Considerations**

7.1 **Appropriate Assessment (AA)**

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. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and the decrease in water quality that would be the result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the

Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has entered into a legal agreement to secure the mitigation packages.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into legal agreements to secure the mitigation packages. Unilateral Undertakings have been completed and returned for the Solent Mitigation Recreation Strategy and for the nutrient mitigation.

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

- (i) Principle of development
- (ii) Loss of Employment
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Access and parking
- (vi) Developer Contributions

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site falls within the defined District Centre for Emsworth as defined by Policies CS4 and AL3 and emerging Policy C4. The former policies generally support appropriate town centre development proposals which retain and enhance local markets and support small and independent businesses.

The addition of 7 new dwelling in such a location would make a contribution to the Council's overall housing requirements. The updated NPPF 2019 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...".

It should also be noted that the Council has a Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor space.

The site which was last used for employment purposes is located outside of any primary or secondary shopping in an accessible location. The loss of an employment site is considered below.

(ii) Loss of Employment:

The site is currently vacant but was last occupied by Weaver Mabbs Engineering. It is

understood the lawful use of the building(s) falls within Class B2 of the Use Classes Order (as amended). As such, Policies CS2 and DM3 of the Core Strategy are applicable which generally require the site and/or building to have been subject to an active and realistic marketing exercise for a period of 12 months or more.

Policy W3 of the Emsworth Neighbourhood Plan is also of relevance which states that:

“Any application to change the use of land from industrial to other uses will only be granted in exceptional circumstances and where it can be demonstrated that continuing provision cannot be made for land use class B2 General Industrial, or B1 Business (offices and light industry) on a proportion of the site without harm to residential amenity.”

The Submission Neighbourhood Plan does not define the “exceptional circumstances” in the supporting text but does go on to suggest that industrial sites should remain as such and not be taken over by residential, or any other form of development.

This proposal is supported by the “End of Campaign Marketing Report” (ECMP) prepared by Philip Holmes of Vail Williams. The ‘Summary’ set down in Section 4 of the ECMP records Philip Holmes’ findings that *“...the property is no longer viable for a B Class Use and alternative uses outside this use should be considered...The building is in a poor state of repair...In our view a substantial amount of improvement works are required to ensure the building is fit for purpose as a commercial use...In our view an alternative use for the building that has a lesser environmental impact in terms of noise, smell and commercial vehicle movements would be preferable in this location...Therefore, in our opinion, we have satisfied the requirements of Policy DM3 and in our view, the current use is obsolete and a change of use application for the building should be considered.”*

The submitted EMCR shows that the site has been subject to an active marketing process over a period of 12 months in line with the requirements of Policy DM3. As such, as set out in the Planning Policy consultation comments it is considered a policy objection could not be sustained.

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

Both the adopted and emerging local plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- E1 High Quality Design (HBLP 2036)

These considerations are reinforced through the Design Policies (D1 to D7 + design checklist) in the Emsworth Neighbourhood Plan.

The site is set back from North Street and not readily visible from the public domain other than the Palmers Road frontage. The locality is characterised by a mixture commercial premises and two-storey dwellings in a variety of styles, formats and plot sizes. The adjacent residential development is of relatively high density in the region of 70 dph.

The plans have been amended and the proposed development would be of tradition design and materials with a two storey height comparable to that of the adjacent housing. In respect to Palmers Rd the proposed terrace would be stepped back from the pavement to reflect the existing pattern of development. The coach house would be sited on the boundary with the alleyway as is the existing 2 storey building in this location.

The proposal would be in keeping with the character and appearance of the area having regard to Policy CS16 of the Havant Borough Local Plan and Emsworth Neighbourhood Plan.

(iv) Impact upon residential amenity

Owing to the enclosed nature of the site there are a large number of properties adjoining the application site. Currently there are a number of large older style industrial building on the site which whilst now vacant were last used for B2 use. The existing buildings are not to modern standards in respect to sound insulation and dust pollution and their replacement with housing in such a confined location in close location to existing residential properties is considered to represent an environmental improvement.

In terms of the specific impacts and in particular privacy and outlook the main impacts relate to 2- 20 Palmers Road, 7, 7a and 7b Palmers Rd which lie opposite and those adjoining the access road.

Regarding those adjoining the access road, existing rights of way would not be impacted and the commercial traffic would be replaced with domestic traffic and as such is not considered to result in detriment.

In respect to 2 to 8 Palmers Road the proposed coach house would adjoin the alley and boundary onto which these properties face. The coach house has been designed with a shallow pitched roof to maintain a similar height to the existing industrial building to be demolished. Unlike the existing building which has first floor windows the only fenestration, other than roof lights with a cill height in excess of 1.75m, in the rear and side elevations is at ground floor in the side elevation and would not result in loss of privacy.

Regarding Nos 18 and nos 8 to 16, the proposed terraced housing has been designed with a hipped roof to reduce bulk and no windows are proposed in the side elevations. As such the proposal is not considered to result in an adverse impact.

(v) Parking

The proposal is for 1No. 3 Bedroom House, 2 No. 2 Bedroom Houses, 1No. 2 Bedroom flat and 2No. 1 Bedroom Flats. Under Borough's Parking SPD there is the requirement for 10 spaces plus visitor parking. This is achieved on site and the proposal accords with Policy DM13 of the HBLPCS and Havant's Car Parking SPD. Additionally the site is in a sustainable location and traffic have not raised objection.

(vi) Developer Contributions

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an

Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.

As the existing floorspace, which was in use 3 years prior to the submission of the application, is greater than that being put forward for permission there will be no CIL Liability.

The applicant has entered into UU agreements for the SRMS and the neutral nitrogen development with the mitigation payments received

8 Conclusion

Redevelopment of this holding in the manner proposed would achieve more efficient use of this highly-sustainable site, whilst enhancing the character and appearance of the locality and the amenities of neighbours; further, it would provide a mix of dwelling types that would broaden the choice of housing accommodation in the area, and would comprises a sustainable form of development that accords with the development plan.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00854 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:

SD-1944-01 C AMENDED LOCATION AND BLOCK PLANS

SD-1944-02 C AMENDED ELEVATIONS AND FLOOR PLANS

SD-19-44-03 REV B AMENDED - ELEVATIONS AND FLOOR PLANS

SD-19-44-04 REV B AMENDED - STREET SCENE

Reason: - To ensure provision of a satisfactory development.

- 3 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.
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.
- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
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.
- 5 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 in consultation with Southern Water . 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.
- 6 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions or any roof alterations made (including the provision of roof light windows) without the prior approval of the Local Planning Authority.
Reason: In the interests of the amenities of the neighbouring properties and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 Before the development hereby permitted commences on the site (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but

shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- a) An intrusive soil survey of the site based on the survey recommended by RSK Environment Limited's, Primary Risk Assessment, Ref: 305019 R01; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.
- b) The results of a suitable and sufficient risk assessment of the technical findings shall be provided to the local planning authority.
- c) Where unacceptable risk of harm to any receptor is identified, an appropriate scheme for decontamination of the site shall be submitted to the local planning authority in writing for their approval.
- d) The approved scheme of decontamination shall be fully implemented, completed and verified to the satisfaction of the local planning authority before any residential unit hereby permitted is first occupied.

Reason- Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], the above condition is required because contamination may be present at the site as a result of previous land uses and/or activities, both at the site & in the vicinity, that could pose a risk to future occupiers of the site, adjacent land and the local environment including watercourses.

- 8 No development shall take place, including any works of demolition, until a site-specific Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The plan should include, but not be limited to:

A programme of and phasing of demolition (if any) and construction work;
Protection of pedestrian routes during construction.

Location of temporary site buildings, compounds, construction material, and plant storage areas.

The provision of long term facilities for contractor parking.

The arrangements for deliveries/collections associated with all demolition and construction works.

Measures to minimise the noise (including vibration) generated by the construction process to include hours of work (see footnote 1), proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination.

The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

Wheel washing facilities.

Measures to control the emission of dust and dirt during construction

Provision for storage, collection, and disposal of rubbish from the development during construction period (see footnote 2).

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

Reason: To protect the amenities of nearby residential premises during the demolition/ construction phase of the development and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No above ground construction shall commence until the submission to and approval by the Local Planning Authority of:-

A

soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number, density and landscape management plan.

B

Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:

- hard surfacing material type / product reference and colour,
- laying bond
- edging or kerb detail / type

- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 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, 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.

- 11 The access arrangement as detailed in drawing number 105.0007.004 shall be implemented in accordance with the submitted details prior to occupation of the development

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

12 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 Pre-Submission Havant Borough Local Plan.

13 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 Pre-Submission Havant Borough Local Plan.